

# JOURNAL

OF THE

# EXECUTIVE PROCEEDINGS

OF THE

U.S. Cong

# SENATE

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OF THE

# UNITED STATES OF AMERICA

FROM DECEMBER 6, 1858, TO AUGUST 6, 1861, INCLUSIVE.

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## VOL. XI.

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PRINTED BY ORDER OF THE SENATE OF THE UNITED STATES.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1887.



IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

June 28, 1886.

*Resolved*, That the entire Executive Journal of the Senate, from the 23d February, 1829, the date to which the said proceedings have already been printed and published by order of the Senate, be printed, to the end of the last session of the Fortieth Congress, under the direction of the Secretary of the Senate, with a copious and comprehensive index to each volume, and that one hundred copies thereof be printed.

*Resolved*, That until the further order of the Senate the said print shall not be made public.

Attest:

ANSON G. MCCOOK,

*Secretary.*

# JOURNAL OF THE EXECUTIVE PROCEEDINGS OF THE SENATE OF THE UNITED STATES.

[Second session Thirty-fifth Congress, 1858 and 1859.]

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MONDAY, DECEMBER 13, 1858.

The following messages were received from the President of the United States, by Mr. Henry, his secretary:

*To the Senate of the United States:*

I nominate J. Glancy Jones, of Pennsylvania, to be envoy extraordinary and minister plenipotentiary of the United States to Austria.

JAMES BUCHANAN.

WASHINGTON, *December 7th*, 1858.

*To the Senate of the United States:*

I nominate John E. Ward, of Georgia, to be envoy extraordinary and minister plenipotentiary of the United States to China, in place of William B. Reed, resigned.

JAMES BUCHANAN.

WASHINGTON, *December 7th*, 1858.

*To the Senate of the United States:*

I nominate William Preston, of Kentucky, to be envoy extraordinary and minister plenipotentiary of the United States to Spain, in place of A. C. Dodge, resigned.

JAMES BUCHANAN.

WASHINGTON, *December 7th*, 1858.

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a treaty between the United States and China, signed at Tientsin, by the plenipotentiaries of the parties, on the eighteenth day of June last.

JAMES BUCHANAN.

WASHINGTON, *7th December*, 1858.

*To the Senate of the United States:*

I transmit to the Senate, for its consideration with a view to ratification, a treaty of amity and commerce between the United States and Japan, concluded at the city of Yeddo on the 29th of July last.

JAMES BUCHANAN.

WASHINGTON, *December 7*, 1858.

*To the Senate of the United States:*

I hereby nominate Morris Lindsay to be deputy postmaster at Springfield, in the county of Sangamon, and State of Illinois, in place of J. W. Keyes, removed, the said Lindsay having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 Dec., 1858.

*To the Senate of the United States:*

I hereby nominate William Seaver to be deputy postmaster at Batavia, in the county of Genesee, and State of New York, whose commission expired on the fourth day of August, 1858, the said Seaver having been reappointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States:*

I hereby nominate George M. Chapman to be deputy postmaster at Canandaigua, in the county of Ontario, and State of New York, in place of Nicholas G. Cheesebro, whose commission expired on the second day of August, 1858, the said Chapman having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States:*

I hereby nominate Nicholas E. Paine to be deputy postmaster at Rochester, in the county of Monroe and State of New York, in place of H. S. Allis, whose commission expired on the second of August, 1858, the said Paine having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States:*

I hereby nominate Lewis S. Ayres to be deputy postmaster at Penn Yan, in the county of Yates and State of New York, whose commission expired on the second of August, 1858, the said Ayres having been reappointed during last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States:*

I hereby nominate Thomas F. Hooper to be deputy postmaster at Benicia, in the county of Solano and State of California, his commission having expired on the second of August, 1858, and who was reappointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States:*

I hereby nominate John Galbraith to be deputy postmaster at Belvidere, in the county of Boone and State of Illinois, in place of John Saxton, removed, the said Galbraith having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States:*

I hereby nominate William Woods to be deputy postmaster at Madison, in the county of Morgan and State of Georgia, in place of J. S. Walker, deceased, the said Woods having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States:*

I hereby nominate James E. Lewis to be deputy postmaster at Newark, in the county of Licking and State of Ohio, in place of Wm. Bell, jr., resigned, the said Lewis having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States:*

I hereby nominate Josiah Gale to be deputy postmaster at Galesburgh, in the county of Knox and State of Illinois, in place of G. C. Lamphere, removed, the said Gale having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December 1858.

*To the Senate of the United States:*

I hereby nominate Lloyd Bowers to be deputy postmaster at Mobile, in the county of Mobile and State of Alabama, in place of T. L. Toulmin, resigned, the said Bowers having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States:*

I hereby nominate Henry W. Baker to be deputy postmaster at Abingdon, in the county of Washington and State of Virginia, in place of L. Baugh, resigned, the said Baker having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States:*

I hereby nominate George W. Raney to be deputy postmaster at Peoria, in the county of Peoria and State of Illinois, in place of Peter Sweat, removed, the said Raney having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, Dec. 10th, 1858.

*To the Senate of the United States:*

I hereby nominate William H. Carlin to be deputy postmaster at Quincy, in the county of Adams and State of Illinois, in the place of Austin Brooks, removed, the said Carlin having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States :*

I hereby nominate Freeman Brady, sr., to be deputy postmaster at Washington, in the county of Washington and State of Pennsylvania, the said Brady having been appointed in place of George W. Aiken, removed, and erroneously confirmed by the name of Francis Brady, on the third of June last, and reappointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States :*

I hereby nominate John A. Vanderlip to be deputy postmaster at Danville, in the county of Livingston and State of New York, in place of Merritt H. Brown, whose commission expired on the second of August, 1868, the said Vanderlip having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States:*

I hereby nominate Burnett D. Vandruver to be deputy postmaster at Bloomington, in the county of McLean and State of Illinois, in place of Geo. D. McElheney, removed, the said Vandruver having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States :*

I hereby nominate Asher Torrance to be deputy postmaster at Lockport, in the county of Niagara and State of New York, whose commission expired on the fourth of August, 1858, the said Torrance having been reappointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States :*

I hereby nominate Joseph Casterline, jr., to be deputy postmaster at Newburg, in the county of Orange and State of New York, whose commission expired on the second of August, 1858, the said Casterline having been reappointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States :*

I hereby nominate John K. Cooke to be deputy postmaster at Portsmouth, in the county of Norfolk and State of Virginia, whose commission expired on the fifth of August, 1858, the said Cooke having been reappointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States :*

I hereby nominate Horatio N. Johnson to be deputy postmaster at Little Falls, in the county of Herkimer and State of New York, whose

commission expired on the second of August, 1858, the said Johnson having been reappointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 *December*, 1858.

*To the Senate of the United States :*

I hereby nominate Eleazer B. Collings to be deputy postmaster at Wilkesbarre, in the county of Luzerne and State of Pennsylvania, in place of Jacob Sorber, resigned, the said Collings having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 *December*, 1858.

*To the Senate of the United States :*

I hereby nominate Samuel Birdsall to be deputy postmaster at Waterloo, in the county of Seneca and State of New York, whose commission expired on the second of August, 1858, the said Birdsall having been reappointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 *December*, 1858.

*To the Senate of the United States :*

I hereby nominate Alanson T. Drake to be deputy postmaster at LeRoy, in the county of Genesee and State of New York, whose commission expired on the fourth of August, 1858, the said Drake having been reappointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 *December*, 1858.

*To the Senate of the United States :*

I hereby nominate Joseph M. Lyon to be deputy postmaster at Utica, in the county of Oneida and State of New York, in place of Isaiah Tiffany, whose commission expired on the fourth of August, 1858, the said Lyon having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 *December*, 1858.

*To the Senate of the United States :*

I hereby nominate Patrick Gratton to be deputy postmaster at West Troy, in the county of Albany and State of New York, in place of Isaac Hitchcock, whose commission expired on the fourth of August, 1858, the said Gratton having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 *December*, 1858.

*To the Senate of the United States :*

I hereby nominate Philip B. Shepherd to be deputy postmaster at Decatur, in the county of Macon and State of Illinois, in place of J. P. Post, removed, the said Shepherd having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 *December*, 1858.



*To the Senate of the United States :*

I hereby nominate Hiram A. Beebe to be deputy postmaster at Oswego, in the county of Tioga and State of New York, whose commission expired on the fourth of August, 1858, the said Beebe having been reappointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States :*

I hereby nominate Samuel H. Taylor to be deputy postmaster at Cumberland, in the county of Alleghany and State of Maryland, in place of Wm. A. Taylor, resigned, the said Samuel H. Taylor having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States :*

I hereby nominate Henry J. Sedgwick to be deputy postmaster at Syracuse, in the county of Onondaga and State of New York, whose commission expired on the fourth of August, 1858, the said Sedgwick having been reappointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States :*

I hereby nominate William L. Gibson to be deputy postmaster at Ottawa, in the county of La Salle and State of Illinois, in place of Wm. Osman, removed, the said Osman having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States :*

I hereby nominate Jacob Isaacs to be deputy postmaster at Columbus, in the county of Lowndes and State of Mississippi, whose commission expired on the second day of August, 1858, the said Isaacs having been reappointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States :*

I hereby nominate James Potter, jr., to be deputy postmaster at Watertown, in the county of Jefferson and State of Wisconsin, in place of Myron B. Williams, removed, the said Potter having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 Dec., 1858.

*To the Senate of the United States :*

I hereby nominate Alfred B. Getty to be deputy postmaster at Oswego, in the county of Oswego and State of New York, in place of S. R. Beardsley, whose commission expired on the second of August, 1858, the said Getty having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 Dec., 1858.

*To the Senate of the United States:*

I hereby nominate Arthur S. Johnston to be deputy postmaster at Ithaca, in the county of Tompkins and State of New York, whose commission expired on the fourth of August, 1858, the said Johnston having been reappointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States:*

I hereby nominate James R. Fonda to be deputy postmaster at Troy, in the county of Rensselaer and State of New York, in place of W. W. Whitman, whose commission expired on the fourth of August, 1858, the said Fonda having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States:*

I hereby nominate Calvert Comstock to be deputy postmaster at Albany, in the county of Albany and State of New York, in place of Cornelius Vosburgh, whose commission expired on the fourth of August, 1858, the said Comstock having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 Dec., 1858.

*To the Senate of the United States:*

I hereby nominate Luke Dodge to be deputy postmaster at Schenectady, in the county of Schenectady and State of New York, whose commission expired on the fourth of August, 1858, the said Dodge having been reappointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States:*

I hereby nominate Atherton Hall to be deputy postmaster at White Hall, in the county of Washington and State of New York, whose commission expired on the second of August, 1858, the said Hall having been reappointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 Dec., 1858.

*To the Senate of the United States:*

I hereby nominate John C. Dunn to be deputy postmaster at Pittsburg, in the county of Allegheny and State of Pennsylvania, in place of Robert Anderson, whose commission expired on the second of August, 1858, the said Dunn having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, 10 December, 1858.

*To the Senate of the United States:*

I hereby nominate James G. Dickie to be deputy postmaster at Buffalo, in the county of Erie and State of New York, whose commission ex-



pired on the twenty-first of July, 1858, the said Dickie having been re-appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, *December 10, 1858.*

*To the Senate of the United States :*

I hereby nominate Charles L. Weller to be deputy postmaster at San Francisco, in the county of San Francisco and State of California, whose commission expired on the first day of August 1858, and who was reappointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, *December 10, 1858.*

*To the Senate of the United States :*

I hereby nominate George T. Cook to be deputy postmaster at Raleigh, in the county of Wake and State of North Carolina, in place of Wm. White, whose commission expired on the second of August 1858, the said Cook having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, *Dec. 10, 1858.*

*To the Senate of the United States :*

I hereby nominate James W. Hughes to be deputy postmaster at Belleville, in the county of St. Clair and State of Illinois, in place of C. Ball, removed, the said Hughes having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, *Dec. 10, 1858.*

*To the Senate of the United States :*

I hereby nominate Alexander T. Langton to be deputy postmaster at Downieville, in the county of Sierra and State of California, in place of J. Gernon, deceased, the said Langton having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, *December 10, 1858.*

*To the Senate of the United States :*

I hereby nominate Josiah T. Miller to be deputy postmaster at Seneca Falls, in the county of Seneca and State of New York, whose commission expired on the fourth of August, 1858, the said Miller having been reappointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, *Dec. 10, 1858.*

*To the Senate of the United States :*

I hereby nominate Herman Field to be deputy postmaster at Rock Island, in the county of Rock Island and State of Illinois, in place of L. M. Webber, removed, the said Field having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, *Dec. 10, 1858.*

*To the Senate of the United States :*

I hereby nominate Henry M. Jeter to be deputy postmaster at Columbus, in the county of Muscogee and State of Georgia, in the place of R.

C. Forsythe, resigned, the said Jeter having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, *Dec. 10, 1858.*

*To the Senate of the United States:*

I hereby nominate Thomas Miller to be deputy postmaster at Columbus, in the county of Franklin and State of Ohio, in place of S. Medary, resigned, the said Miller having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, *Dec. 10, 1858.*

*To the Senate of the United States:*

A commission having been granted during the recess of Senate to Isaac S. Jennings as collector of the customs for the District of Little Egg Harbor, in the State of New Jersey, in the place of Stephen Willets, removed, I now nominate him to the same.

JAMES BUCHANAN.

WASHINGTON, *December 8, 1858.*

*To the Senate of the United States:*

A commission having been granted during the recess of the Senate to James E. Gible as collector of the customs for the district of Beaufort, in the State of North Carolina, his former commission having expired, I now nominate him to the same.

JAMES BUCHANAN.

WASHINGTON, *December 8, 1858.*

*To the Senate of the United States:*

A commission having been granted during the recess of the Senate to James T. Miller as collector of the customs for the district of Wilmington, in the State of North Carolina, his former commission having expired, I now nominate him to the same.

JAMES BUCHANAN.

WASHINGTON, *December 8, 1858.*

*To the Senate of the United States:*

I nominate Francis W. Latham to be collector of the customs for the district of Brazos de Santiago, in the State of Texas, in the place of Kinchen L. Haralson, deceased.

JAMES BUCHANAN.

WASHINGTON, *December 8, 1858.*

*To the Senate of the United States:*

A commission having been granted during the recess of the Senate to Horace Moody as collector of the customs for the district of Oswegatchie, in the State of New York, his commission having expired, I now nominate him to the same

JAMES BUCHANAN.

WASHINGTON, *December 8, 1858.*

*To the Senate of the United States:*

A commission having been granted during the recess of the Senate to Emery D. Potter as collector of the customs for the district of Miami,

in the State of Ohio, in place of Dennis Coghlin, removed, I now nominate him to the same.

JAMES BUCHANAN.

WASHINGTON, *December 8, 1858.*

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to George W. Clason as collector of the customs for the district of Milwaukee, in the State of Wisconsin, in the place of Moritz Schoeffler, removed, I now nominate him to the same.

JAMES BUCHANAN.

WASHINGTON, *December 8, 1858.*

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to John Laurens as naval officer for the district of Charleston, in the State of South Carolina, in the place of Henry M. Howard, deceased, I now nominate him to the same.

JAMES BUCHANAN.

WASHINGTON, *December 8, 1858.*

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to David S. Ruddock as surveyor of the customs for the district of New London, in the State of Connecticut, his former commission having expired, I now nominate him to the same.

JAMES BUCHANAN.

WASHINGTON, *December 8, 1858.*

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to Charles Ross, of Cincinnati, Ohio, as supervising inspector of steamboats for the fifth district, in the place of Davis Embree, removed, I now nominate him to the same.

JAMES BUCHANAN.

WASHINGTON, *December 8th, 1858.*

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to Samuel J. Jones, of Kansas, as collector of the customs for the district of Paso del Norte, in the Territory of New Mexico, in the place of Caleb Sherman, whose commission expired, I now nominate him to the same.

JAMES BUCHANAN.

WASHINGTON, *December 8th, 1858.*

*To the Senate of the United States :*

A commission having been granted during recess of the Senate to William Stotts as surveyor of the customs for the port of Keokuk, in the State of Iowa, his former commission having expired, I nominate him to the same.

JAMES BUCHANAN.

WASHINGTON, *December 8, 1858.*

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to Levi S. Lightner as surveyor of the customs for the port of Cairo, in the State of Illinois, in the place of John S. Hacker, whose commission expired, I now nominate him to the same.

JAMES BUCHANAN.

WASHINGTON, *December 8th*, 1858.

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to Hiram R. Nixon as surveyor of the customs for the district of Wilmington, in the State of North Carolina, in the place of William B. Flanner, resigned, I now nominate him to the same.

JAMES BUCHANAN.

WASHINGTON, *December 8th*, 1858.

*To the Senate of the United States :*

I nominate Alexander Wilson, of Pennsylvania, to be attorney of the United States for the Territory of Utah, the said Wilson having been appointed by me during the recess of the Senate, vice John M. Hockaday, removed.

JAMES BUCHANAN.

DEC. 8TH, 1858.

*To the Senate of the United States :*

I nominate Rush Elmore, of Kansas T., to be associate justice of the supreme court of said Territory, the said Elmore having been appointed by me during the recess of the Senate, vice Sterling G. Cato, resigned.

JAMES BUCHANAN.

DEC. 8TH, 1858.

*To the Senate of the United States :*

I nominate Charles U. Pine, of Illinois, to be marshal of the United States for the northern district of that State, the said Pine having been appointed by me during the recess of the Senate, vice J. W. Davidson, removed.

JAMES BUCHANAN.

DEC. 8TH, 1858.

*To the Senate of the United States :*

I nominate Alfred M. Lay, of Missouri, to be attorney of the United States for the western district of that State, the said Lay having been appointed by me during the recess of the Senate, vice M. M. Parsons, resigned.

JAMES BUCHANAN.

DEC. 8TH, 1858.

*To the Senate of the United States :*

I nominate Walter Forward, of Oregon T., to be marshal of the United States for said Territory, the said Forward having been appointed by me during the recess of the Senate, vice John McCracken, resigned.

JAMES BUCHANAN.

DEC. 8TH, 1858.

*To the Senate of the United States :*

I nominate William H. Dana to be a lieutenant in the Navy, from the 1st of July, 1858, vice Edward C. Stockton, cashiered.

Edward E. Potter to be a lieutenant in the Navy, from the 9th of July, 1858, vice J. Dorsey Read, deceased.

George Bacon to be a lieutenant in the Navy, from the 26th of October, 1858, vice De Grasse Livingston, resigned.

I. Crossan Chaplin to be a lieutenant in the Navy, from the 18th of November, 1858, vice William E. Boudinot, resigned.

Edward Hudson to be a surgeon in the Navy, from the 29th of July, 1858, vice William A. Nelson, resigned.

Robert T. Maccoun to be a surgeon in the Navy, from the 21st of September, 1858, vice Benajah Ticknor, deceased.

Charles E. Lining to be an assistant surgeon in the Navy, from the 1st of July, 1858, vice Michael O'Hara, resigned.

Jonathan C. Bertollette to be an assistant surgeon in the Navy, from the 4th of July, 1858, vice Robert Carter, resigned.

Thomas W. Leach to be an assistant surgeon in the Navy, from the 29th of July, 1858, vice Edward Hudson, promoted.

Marcellus P. Christian to be an assistant surgeon in the Navy, from the 3d of September, 1858, vice John L. Burtt, dismissed.

James J. Magee to be an assistant surgeon in the Navy, from the 8th of October, 1858, vice Robert T. Maccoun, promoted.

Benjamin F. Gibbs to be an assistant surgeon in the Navy, from the 12th of November, 1858, vice Wyatt M. Brown, resigned.

Joseph O. Burnett to be an assistant surgeon in the Navy, from the 2d December, 1858, vice Ashton Miles, dismissed.

William M. King, to be an assistant surgeon in the Navy, from the 3d of December, 1858, vice James S. Gilliam, resigned.

Granville T. Pierce to be a purser in the Navy, from the 3d of November, 1858, vice John J. Jones, dismissed.

James Fulton to be a purser in the Navy, from the 20th of November, 1858, vice J. B. Danforth, jr., resigned.

Henry H. Stewart to be a chief engineer in the Navy, from the 21st of July, 1858, to fill an existing vacancy.

Alban C. Stimers to be chief engineer in the Navy, from the 21st of July, 1858, to fill an existing vacancy.

Robert Tansill to be a captain in the Marine Corps, from the 29th of November, 1858, vice Benjamin E. Brooke, deceased.

Robert L. Browning to be a first lieutenant in the Marine Corps, from the 29th of November, 1858, vice Robert Tansill, promoted.

Henry L. Ingraham to be a second lieutenant in the Marine Corps, from the 1st of July, 1858, vice Rufus A. Whittier, dismissed.

J. Howard Rathbone to be a second lieutenant in the Marine Corps, from the 25th of October, 1858, vice John O. Payne, dismissed.

JAMES BUCHANAN.

WASHINGTON, D. C., *December 6, 1858.*

NAVY DEPARTMENT, *December 6, 1858.*

SIR : I have the honor to submit to you, herewith, a nomination of officers, promoted and appointed to fill vacancies which occurred during the recess of the Senate, by ordinary casualties of the service.

I am, sir, with great respect, your ob'd't servant,

ISAAC TOUCHEY.

The PRESIDENT.



*To the Senate of the United States:*

I nominate the persons named in the accompanying list for promotion and appointment in the Army of the United States, as proposed by the Secretary of War.

JAMES BUCHANAN.

WASHINGTON, *December 10, 1858.*

WAR DEPARTMENT, *Washington, December 10, 1858.*

SIR: I have the honor to lay before you the following list of promotions and appointments in the Army of the United States:

PROMOTIONS.

*Medical Department.*

Assistant Surgeon James Simons to be surgeon, vice Harney, deceased, to date from August 29, 1856, and to take place on the Army Register next below Surgeon David C. DeLeon.

*Corps of Engineers.*

Brevet Second Lieutenant Richard K. Meade, jr., to be second lieutenant, July 29, 1858, the date of Capt. Sanders' death.

Brevet Second Lieutenant Edward P. Alexander to be second lieutenant, October 19, vice N. F. Alexander, deceased.

*First Regiment of Dragoons.*

Second Lieutenant William D. Pender to be first lieutenant, May 17, 1858, vice Taylor, killed in action.

Brevet Second Lieutenant Samuel F. Ferguson, of the Second Dragoons, to be second lieutenant, vice Pender, promoted, to date from June 14, 1858.

Brevet Second Lieutenant Marcus A. Reno to be second lieutenant, vice Caston, killed in action, to date from June 14, 1858.

*Second Regiment of Cavalry.*

Second Lieutenant John B. Hood to be first lieutenant, August 18, 1858, vice Radziminski, deceased.

Brevet Second Lieutenant Manning M. Kimmel, of the First Cavalry, to be second lieutenant, August 18, 1858, vice Hood, promoted.

Brevet Second Lieutenant George A. Cunningham, of the First Cavalry, to be second lieutenant, October 1, 1858, vice Van Camp, killed in action.

*Regiment of Mounted Riflemen.*

First Lieutenant Robert M. Morris to be captain, June 14, 1858, vice Rhett, appointed paymaster.

Second Lieutenant Joseph G. Tilford to be first lieutenant, June 14, 1858, vice Morris, promoted.

Brevet Second Lieutenant Ira W. Chaffin to be second lieutenant, June 14, 1858, vice Tilford, promoted.

*Fourth Regiment of Artillery.*

Captain Erasmus D. Keyes, of the Third Artillery, to be major, October 12, 1858, vice Taylor, deceased.

*Third Regiment of Artillery.*

First Lieutenant George P. Andrews to be captain, October 12, 1858, vice Keyes, promoted to First Artillery.

Second Lieutenant Lyman M. Kellogg to be first lieutenant, July 31, 1858, vice Mowry, resigned.

Second Lieutenant Thomas M. Saunders to be first lieutenant, October 12, 1858, vice Andrews, promoted.

Brevet Second Lieutenant William Sinclair, of the Second Artillery, to be second lieutenant, July 31, 1858, vice Kellogg, promoted.

Brevet Second Lieutenant Augustus G. Robinson, of the Fourth Artillery, to be second lieutenant, October 12, 1858, vice Saunders, promoted.

*Seventh Regiment of Infantry.*

Cadet Charles H. Ingraham to be second lieutenant, July 1, 1858, vice Peck, transferred to the Eighth Infantry.

Brevet Second Lieutenant Asa B. Carey, of the Sixth Infantry, to be second lieutenant, October 22, 1858, vice O'Connor, resigned.

*Eighth Regiment of Infantry.*

First Lieutenant Thomas G. Pitcher to be captain, October 19, 1858, vice Wood, deceased.

Second Lieutenant Thomas M. Jones to be first lieutenant, July 19, 1858, vice Wood, promoted.

Second Lieutenant William Craig to be first lieutenant, October 19, 1858, vice Pitcher, promoted.

Brevet Second Lieutenant James J. Van Horn, of the First Infantry, to be second lieutenant, July 19, 1858, vice Jones, promoted.

Brevet Second Lieutenant Royal T. Frank, of the Fifth Infantry, to be second lieutenant, October 19, 1858, vice Craig, promoted.

*Ninth Regiment of Infantry.*

Brevet Second Lieutenant Charles G. Harker, of the Second Infantry, to be second lieutenant, August 15, 1868, vice Allen, died of wounds received in action.

*Tenth Regiment of Infantry.*

First Lieutenant Cuvier Grover to be captain, September 17, 1858, vice Pitcher, deceased.

Second Lieutenant James Deshler to be first lieutenant, September 17, 1858, vice Grover, promoted.

Brevet Second Lieutenant Sardine P. Reed, of the Third Infantry, to be second lieutenant, September 17, 1858, vice Deshler, promoted.

## APPOINTMENTS.

*Subsistence Department.*

First Lieutenant William W. Burus, of the Fifth Infantry, to be commissary of subsistence with the rank of captain, November 3, 1853, vice Bowen, deceased.

*Medical Department.*

Cooper McKee, of Pennsylvania, to be assistant surgeon, October 2, 1858, vice Simons, promoted.

*Pay Department.*

Brevet Major James Longstreet, captain of the Eighth Regiment of Infantry, to be paymaster, July 19, 1858, vice Dashiell, **dismissed**.

Daniel McClure, of Indiana, to be paymaster, October 23, 1858, vice Denny, deceased.

*Ordnance Department.*

Richard Fatherly, of Arkansas, to be military storekeeper, August 9, 1858, vice Andrews, deceased.

I am, sir, with great respect, your obedient servant,

JOHN B. FLOYD,

*Secretary of War.*

To the PRESIDENT OF THE UNITED STATES.

The messages were read.

*Ordered*, That the nominations of J. Glancy Jones, John E. Ward, and William Preston be referred to the Committee on Foreign Relations.

The treaty between the United States and China, signed at Tientsin the 18th day of June, 1858, was read the first time.

On motion by Mr. Mason,

*Ordered*, That the said treaty, together with the message of the President, be referred to the Committee on Foreign Relations and printed in confidence for the use of the Senate.

The treaty of amity and commerce between the United States and Japan, concluded at the city of Jeddo on the 29th day of July, 1858, was read the first time.

On motion by Mr. Mason,

*Ordered*, That the said treaty, together with the message of the President, be referred to the Committee on Foreign Relations and printed in confidence for the use of the Senate.

*Ordered*, That the nominations of Morris Lindsay, William Seaver, George M. Chapman, Nicholas E. Paine, Lewis S. Ayres, Thomas T. Hooper, John Galbraith, William Woods, James E. Lewis, Josiah Gale, Lloyd Bowers, Henry W. Baker, George W. Raney, William H. Carlin, Freeman Brady, sen., John A. Vanderlip, Burnett D. Vandruver, Asher Torrance, Joseph Casterline, John R. Cooke, Horatio N. Johnson, Eleazer B. Collings, Samuel Birdsall, Alanson T. Drake, Joseph M. Lyon, Patrick Gratton, Philip B. Shepherd, Hiram A. Beebe, Samuel H. Taylor, Henry J. Sedgwick, William L. Gibson, Jacob Isaacs, James Potter, jr., Arthur S. Johnston, James R. Fonda, Calvert Comstock, Alfred B. Getty, Luke Dodge, Atherton Hall, John C. Dunn, James G. Dickie, Charles L. Weller, George T. Cook, James W. Hughes, Alexander T. Langton, Josiah T. Miller, Herman Field, Harvy M. Jeter, and Thomas Miller, be referred to the Committee on the Post-Office and Post Roads.

*Ordered*, That the nominations of Isaac S. Jennings, James E. Gible, James T. Miller, Francis W. Latham, Horace Moody, Emery D. Potter, George W. Classon, John Laurens, David S. Ruddock, Charles Ross, Samuel J. Jones, Samuel Stotts, Levi S. Lightner, and Hiram R. Nixon be referred to the Committee on Commerce.



*Ordered*, That the nominations of Alexander Wilson, Rush Elmore, Charles N. Pine, Alfred M. Lay, and Walter Forward be referred to the Committee on the Judiciary.

*Ordered*, That the nominations of William H. Dana and others, for promotion and appointment in the Navy, be referred to the Committee on Naval Affairs.

*Ordered*, That the nominations of Assistant Surgeon James Simons and others, for promotion and appointment in the Army, be referred to the Committee on Military Affairs and the Militia.

WEDNESDAY, DECEMBER 15, 1858.

The following messages were received from the President of the United States, by Mr. Henry, his secretary:

*To the Senate of the United States :*

I nominate Thomas C. Hunt, of Louisiana, to be receiver of public moneys for the district of lands subject to sale at Natchitoches, Louisiana, his previous term of office having expired.

JAMES BUCHANAN.

WASHINGTON, *December* 14, 1858.

*To the Senate of the United States :*

I nominate T. Rush Spencer, of Wisconsin, to be receiver of public moneys for the district of lands subject to sale at Superior, Wisconsin, commissioned during the recess of the Senate, vice E. B. Dean, jr., removed.

JAMES BUCHANAN.

WASHINGTON, *December* 14, 1858.

*To the Senate of the United States :*

I nominate Christopher Graham, of Minnesota, to be receiver of public moneys for the district of lands subject to sale at Henderson, Minnesota, his previous term of office having expired, and Thomas E. Massey, of Minnesota, to be register of the land office at Forest City, Minnesota, vice A. C. Smith, removed, both of whom were commissioned during the recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, *December* 14, 1858.

*To the Senate of the United States :*

I nominate Joseph Hopkins, of California, to be receiver of public moneys for the district of lands subject to sale at Marysville, California, vice Charles Lindley, resigned; Edmund P. Hart, of California, to be register of the land office at Visalia, California, to correct an error in previous nomination, and Paschal Bequette, of California, to be receiver of public moneys for the district of lands subject to sale at San Francisco, California, his previous term of office having expired, all of whom were commissioned during the recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, *December* 14, 1858.

*To the Senate of the United States :*

I nominate Samuel M. Hankins, of Mississippi, to be register of the land office at Grenada, Mississippi, his previous term of office having expired, and James G. G. Garrett, of Mississippi, to be register of the

land office at Washington, Mississippi, vice T. W. Newman, deceased, both of whom were commissioned during the recess of the Senate.

WASHINGTON, *December 14, 1858.*

*To the Senate of the United States :*

I nominate William B. Rankin, of Pennsylvania, to be register of the land office at Olympia, Washington Territory, commissioned during the recess of the Senate, vice W. A. Strickler, resigned.

JAMES BUCHANAN.

WASHINGTON, *December 14, 1858.*

*To the Senate of the United States:*

I nominate William A. Davidson, of Louisiana, to be register of the land office for the New Mexico land district, and William A. Street, of Virginia, to be receiver of public moneys for the New Mexico land district, both of whom were commissioned during the recess, under authority of the act of May 24, 1858.

JAMES BUCHANAN.

WASHINGTON, *December 14, 1858.*

*To the Senate of the United States:*

I nominate Ward B. Burnett, of New York, to be surveyor-general of the Territories of Kansas and Nebraska, commissioned during the recess of the Senate, vice J. Calhoun, whose term of office had expired.

JAMES BUCHANAN.

WASHINGTON, *December 14, 1858.*

*To the Senate of the United States:*

I nominate Samuel A. Blain, of Texas, to be Indian agent for the Wichitas and neighboring tribes west of the Choctaws and Chickasaws, commissioned during the recess of the Senate, vice A. H. McKissick.

JAMES BUCHANAN.

WASHINGTON, *December 14, 1858.*

*To the Senate of the United States:*

I nominate Robert J. Cowart, of Georgia, to be Indian agent in the Territory of New Mexico, commissioned during the recess of the Senate, vice W. R. Harley, resigned.

JAMES BUCHANAN.

WASHINGTON, *December 14, 1858.*

*To the Senate of the United States:*

I nominate R. H. Lansdale, of Washington Territory, to be agent for the Indians of the Flathead Agency in Washington Territory, his previous term of office having expired, and Andrew J. Cain, of Washington Territory, to be Indian agent in Washington Territory, vice John Cain, resigned, both of whom were commissioned during the recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, *December 14, 1858.*

*To the Senate of the United States:*

I nominate James W. Denver, of California, to be Commissioner of Indian Affairs, commissioned during the recess of the Senate, vice Charles E. Mix, resigned.

JAMES BUCHANAN.

WASHINGTON, *December 14, 1858.*

The messages were read.

On motion by Mr. Slidell,

The Senate, by unanimous consent, proceeded to consider the nomination of Thomas C. Hunt; and

*Resolved*, That the Senate advise and consent to the appointment of Thomas C. Hunt, agreeably to the nomination.

*Ordered*, That the nominations of T. Rush Spencer, Christopher Graham, Thomas E. Massey, Joseph Hopkins, Edmund P. Hart, Paschal Begnette, Samuel M. Hankins, James G. G. Garnett, William B. Rankin, William A. Davidson, William A. Street, and Ward B. Burnett, be referred to the Committee on Public Lands.

*Ordered*, That the nominations of Samuel A. Blain, Robert J. Cowart, R. H. Lansdale, Andrew J. Cain, and James W. Denver, be referred to the Committee on Indian Affairs.

Mr. Mason from the Committee on Foreign Relations, to whom was referred, the 13th inst., the nomination of J. Glancy Jones, reported.

On motion by Mr. Mason,

The Senate, by unanimous consent, proceeded to consider the nomination of J. Glancy Jones.

On the question, Will the Senate advise and consent to the appointment of J. Glancy Jones?

It was determined in the affirmative, { Yeas ..... 31  
Nays ..... 14

On motion by Mr. Hale,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Allen, Bates, Bayard, Bell, Benjamin, Bigler, Brown, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hunter, Iverson, Johnson of Tenn., Jones, Kennedy, Mason, Pearce, Polk, Reid, Rice, Shields, Slidell, Stuart, Toombs, Ward, Wright.

Those who voted in the negative are,

Messrs. Cameron, Chandler, Dixon, Doolittle, Fessenden, Foster, Hale, Hamlin, Harlin, King, Seward, Simmons, Wade, Wilson.

So it was

*Resolved*, That the Senate advise and consent to the appointment of J. Glancy Jones, agreeably to the nomination.

Mr. Mason, from the Committee on Foreign Relations, to whom were referred, the 13th inst, the nominations of John E. Ward and William Preston, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, the 13th inst, the treaty between the United States and China, signed at Tientsin on the 18th day of June, 1858, reported it without amendment.

On motion by Mr. Mason,

The Senate, by unanimous consent, proceeded to consider the said treaty.

The said treaty was read the second time and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Mr. Mason submitted the following resolution for consideration:

*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the treaty between the

United States and China, signed at Tientsin, on the 18th day of June, 1858.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

It was determined in the affirmative, { Yeas ..... 43  
Nays ..... 1

Those who voted in the affirmative are,

Messrs. Allen, Bates, Bayard, Bell, Benjamin, Bigler, Broderick, Cameron, Chandler, Clay, Clingman, Collamer, Crittenden, Dixon, Doolittle, Durkee, Fessenden, Fitzpatrick, Foot, Foster, Green, Gwin, Hale, Hamlin, Harlan, Hunter, Iverson, Johnson of Tenn., Jones, Mason, Polk, Reid, Rice, Sebastian, Seward, Shields, Slidell, Stuart, Thompson of Ky., Wade, Ward, Wilson, Wright.

Mr. Davis voted in the negative.

So the said resolution was agreed to.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, the 13th inst., the treaty of amity and commerce between the United States and Japan, concluded at the city of Jeddo on the 29th day of July, 1858, reported it without amendment.

On motion by Mr. Mason,

The Senate, by unanimous consent, proceeded to consider the said treaty.

The said treaty was read the second time and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Mr. Mason submitted the following resolution for consideration:

*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the treaty of amity and commerce between the United States and Japan, concluded at the city of Jeddo on the 29th day of July, 1858.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

It was determined in the affirmative, { Yeas ..... 39  
Nays ..... 3

Those who voted in the affirmative are,

Messrs. Allen, Bates, Bigler, Broderick, Brown, Clark, Clay, Olingman, Collamer, Crittenden, Dixen, Doolittle, Fessenden, Fitch, Fitzpatrick, Foot, Foster, Green, Gwin, Hale, Hammond, Harlan, Houston, Iverson, Jones, Mason, Pierce, Polk, Reid, Rice, Sebastian, Seward, Shields, Slidell, Stuart, Toombs, Wade, Ward, Wright.

Those who voted in the negative are,

Messrs. Davis, Johnson of Tenn., King,

So the said resolution was agreed to.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Bigler, from the Committee on the Post-Office and Post-Roads, to whom were referred, the 13th inst., the nominations of Morris Lindsay, William Seaver, George M. Chapman, Nicholas E. Payne, Lewis S. Ayres, Thomas T. Hooper, John Galbraith, William Woods, Josiah Gale, Lloyd Bowers, Henry W. Baker, George W. Raney, William H. Carlin, Freeman Brady, sen., John A. Vanderlip, Burnett D. Vandruver,

Asher Torrance, Joseph Casterline, John R. Cooke, Horatio N. Johnson, Eleazer B. Collings, Samuel Birdsall, Alanson T. Drake, Joseph M. Lyon, Patrick Gratton, Philip B. Shepherd, Hiram A. Beebe, Samuel H. Taylor, Henry J. Sedgwick, William L. Gibson, Jacob Isaacs, James Potter, jr., Arthur S. Johnston, James R. Fonda, Alfred B. Getty, Luke Dodge, Atherton Hall, John C. Dunn, James G. Dickie, George T. Cook, James W. Hughes, Alexander T. Langton, Josiah T. Miller, Herman Field, and Henry M. Jeter, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Bigler, from the Committee on the Post-Office and Post-Roads, to whom were referred, the 13th inst., the nominations of James E. Lewis, and Thomas Miller, reported.

Mr. Bigler, from the Committee on the Post-Office and Post-Roads, to whom was referred, the 13th inst., the nomination of Calvert Comstock, reported.

Whereupon

The Senate proceeded to consider the said nomination; and

On the question, Will the Senate advise and consent to the appointment of Calvert Comstock?

It was determined in the affirmative, { Yeas ..... 28  
Nays ..... 14

On motion by Mr. Seward,

The yeas and nays being desired by one fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Allen, Bates, Bayard, Bigler, Brown, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hunter, Iverson, Johnson of Tenn., Jones, Mason, Pearce, Polk, Rice, Sebastian, Shields, Slidell, Stuart, Toombs, Ward, Wright.

Those who voted in the negative are,

Messrs. Chandler, Clark, Dixon, Doolittle, Durkee, Fessenden, Foster, Hale, Hamlin, Harlan, King, Seward, Wade, Wilson.

So it was

*Resolved*, That the Senate advise and consent to the appointment of Calvert Comstock, agreeably to the nomination.

Mr. Bayard, from the Committee on the Judiciary, to whom were referred, the 13th instant, the nominations of Alexander Wilson, Charles M. Pine, Alfred M. Lay, and Walter Forward, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Clay, from the Committee on Commerce, to whom were referred, the 15th inst., the nominations of Isaac S. Jennings, James E. Gible, James T. Miller, Francis W. Latham, Horace Moody, George W. Clason, John Laurens, David S. Ruddock, Samuel J. Jones, William Stotts, Levi S. Lightner, and Hiram R. Nixon, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Clay, from the Committee on Commerce, to whom were referred, the 13th inst., the nominations of Emery D. Potter and Charles Ross, reported.



TUESDAY, DECEMBER 21, 1858.

The following messages were received from the President of the United States, by Mr. Henry, his secretary :

*To the Senate of the United States:*

I nominate Garey W. Ryckman, of California, to be secretary of the legation of the United States in Chili.

JAMES BUCHANAN.

WASHINGTON, *December 17, 1858.*

*To the Senate of the United States :*

I nominate John P. Brown, of Ohio, to be secretary and dragoman of the legation of the United States at Constantinople.

JAMES BUCHANAN.

WASHINGTON, *December 17, 1858.*

*To the Senate of the United States :*

I nominate Benjamin Wiggin, of Maine, to be commissioner of the United States under the reciprocity treaty between the United States and Her Britannic Majesty, concluded June 5th, 1854.

JAMES BUCHANAN.

WASHINGTON, *December 17th, 1858.*

*To the Senate of the United States :*

I nominate James B. Bowlin, of Missouri, to be commissioner of the United States to Paraguay.

JAMES BUCHANAN.

WASHINGTON, *December 17th, 1858.*

*To the Senate of the United States :*

I nominate Visessimus Turner, of California, to be consul of the United States at Tahiti.

JAMES BUCHANAN.

WASHINGTON, *December 17th, 1858.*

*To the Senate of the United States :*

I nominate Richard Fitzpatrick, of Texas, to be consul of the United States at Matamoras.

JAMES BUCHANAN.

WASHINGTON, *December 17th, 1858.*

*To the Senate of the United States :*

I nominate Theodore Frean, of New York, to be consul of the United States at Belfast.

JAMES BUCHANAN.

WASHINGTON, *December 17th, 1858.*

*To the Senate of the United States :*

I nominate William Fell Giles, jr., of Maryland, to be consul of the United States at Geneva.

JAMES BUCHANAN.

WASHINGTON, *December 17th, 1858.*

*To the Senate of the United States:*

I nominate Robert Rose, of Texas, to be consul of the United States at Guaymas.

JAMES BUCHANAN.

WASHINGTON, *December 17th*, 1858.

*To the Senate of the United States:*

I nominate John Merritt, of Delaware, to be consul of the United States at Tunis.

JAMES BUCHANAN.

WASHINGTON, *December 17th*, 1858.

*To the Senate of the United States:*

I nominate William H. McGrath, of New Jersey, to be consul of the United States at Maranhão.

JAMES BUCHANAN.

WASHINGTON, *December 17th*, 1858.

*To the Senate of the United States:*

I nominate Charles J. Helm, of Kentucky, to be consul-general of the United States at Havana.

JAMES BUCHANAN.

WASHINGTON, *December 17th*, 1858.

*To the Senate of the United States:*

I nominate Robert A. Finlay, of New York, to be consul of the United States at Santa Cruz.

JAMES BUCHANAN.

WASHINGTON, *December 17th*, 1858.

*To the Senate of the United States:*

I nominate Leonard G. Sanford, of New York, to be consul of the United States at Tumbez.

JAMES BUCHANAN.

WASHINGTON, *December 17th*, 1858.

*To the Senate of the United States:*

I nominate Charles Bodmann, of Ohio, to be consul of the United States at Carlsruhe.

JAMES BUCHANAN.

WASHINGTON, *December 17th*, 1858.

*To the Senate of the United States:*

I nominate Horatio de V. Glentworth, of New York, to be consul of the United States at Rome.

JAMES BUCHANAN.

WASHINGTON, *December 17th*, 1858.

*To the Senate of the United States:*

I nominate Andrew J. Smith, of Texas, to be consul of the United States at Laguayra.

JAMES BUCHANAN.

WASHINGTON, *December 17th*, 1858.

*To the Senate of the United States:*

I nominate Stephen S. Remak, of Pennsylvania, to be consul of the United States at Trieste.

JAMES BUCHANAN.

WASHINGTON, *December 17th*, 1858.

*To the Senate of the United States:*

I nominate James F. Maguire, of Massachusetts, to be consul of the United States at Melbourne.

JAMES BUCHANAN.

WASHINGTON, *December 17th*, 1858.

*To the Senate of the United States:*

I nominate James McDowell, of Missouri, to be consul-general of the United States at Constantinople.

JAMES BUCHANAN.

WASHINGTON, *December 17th*, 1858.

*To the Senate of the United States:*

I nominate Rudolph F. Schillow, of New Jersey, to be consul of the United States at Stettin.

JAMES BUCHANAN.

WASHINGTON, *December 17th*, 1858.

*To the Senate of the United States:*

I nominate Tapley W. Young, of Virginia, to be consul of the United States at Stuttgardt.

JAMES BUCHANAN.

WASHINGTON, *December 17th*, 1858.

*To the Senate of the United States:*

I nominate A. Lawrence Lovejoy, of Oregon Territory, to be receiver of public moneys for the district of lands subject to sale at Oregon City, Oregon Territory, vice James Guthrie, jr., resigned; and

Berryman Jennings, of Oregon Territory, to be receiver of the land office at Oregon City, Oregon Territory, commissioned during the recess of the Senate, vice G. L. Curry, declined.

JAMES BUCHANAN.

WASHINGTON, *December 14*, 1858.

*To the Senate of the United States:*

I nominate Sidney M. Torbert, of Alabama, to be receiver of public moneys for the district of lands subject to sale at Demopolis, Alabama, his previous term of office having expired.

JAMES BUCHANAN.

WASHINGTON, *December 17*, 1858.

*To the Senate of the United States:*

I nominate Robert D. Haden, of Mississippi, to be receiver of public moneys for the district of lands subject to sale at Columbus, Mississippi, to take effect on the 8th of February, 1859, at which time his previous term of office will expire.

JAMES BUCHANAN.

WASHINGTON, *December 14*, 1858.



*To the Senate of the United States :*

I nominate Charles P. Sengstack, of the District of Columbia, to be warden of the penitentiary in the District of Columbia, vice Thomas Thornley, the present incumbent.

JAMES BUCHANAN.

WASHINGTON, *December 20, 1858.*

*To the Senate of the United States :*

I nominate Samuel Medary, of Ohio, to be governor of the Territory of Kansas.

JAMES BUCHANAN.

WASHINGTON *Dec. 17th, 1858.*

*To the Senate of the United States :*

I hereby nominate Howkin B. Beardslee to be deputy postmaster at Honesdale, in the county of Wayne and State of Pennsylvania in place of John Y. Sherwood, removed.

JAMES BUCHANAN.

WASHINGTON, *17 December, 1858.*

*To the Senate of the United States :*

The Senate will learn from the thirty-five naval nominations herewith submitted the result of my investigations under the resolutions of Congress of March 10th and May 11th, 1858. In compliance with these resolutions I have carefully examined the records of the courts of inquiry in fifty-eight cases, and have arrived at the conclusion that twenty-three of the officers ought to remain in the positions where they have been fixed by the courts of inquiry.

The records are very voluminous, and the labor of examination, in which I have been materially assisted by the Secretary of the Navy, the Attorney-General, and the Commissioner of Patents, has consumed much time.

Under the act of January 17th, 1857, the courts of inquiry were directed to investigate "the physical, mental, professional, and moral fitness" of each officer who applied to them for relief. These investigations it was my duty to review. They have been very extensive and searching, as the Senate will perceive from an examination of the records, embracing in many instances almost the entire professional life of the individual from his first entrance into the service.

In the performance of my duty I found the greatest difficulty in deciding what should be considered as "moral fitness" for the Navy. Physical, mental, and professional fitness may be decided with a considerable degree of accuracy by a naval court of inquiry, but the question of moral fitness is of a very different character. There has been but one perfect standard of morality on earth, and how far a departure from His precepts and example must proceed in order to disqualify an officer for the naval service is a question on which a great difference of honest opinion must always exist. On this question I have differed in several instances from the courts of inquiry.

There is one nomination which I regret that I have not the power to present to the Senate, and this is in the case of Commodore Stewart. His name stood on the Register at the head of the list of captains in the Navy until it was removed from this well-earned position by the retiring board and placed on the list of retired officers. The deeply wounded feelings of this veteran officer, who had contributed so much to the

efficiency and glory of the Navy from its infancy, prevented him from applying for restoration to his rank and submitting to a court of inquiry, composed of his junior officers, the question of his "physical, mental, professional, and moral fitness" for the naval service. I would ere this have recommended to Congress the passage of a joint resolution to restore him to his former rank had I not believed this would more appropriately emanate from the legislative branch of Government.

I transmit herewith to the Senate the original records in the fifty-eight cases to which I have referred. After they shall have been examined by the Senate, I would respectfully request that they might be returned to the Navy Department.

JAMES BUCHANAN.

WASHINGTON, *December 20*, 1858

*To the Senate of the United States:*

By the authority conferred upon me by the joint resolution of March 10th and May 11th, 1858, in case where the records of the courts of inquiry, appointed under the act of January 16th, 1857, may render it advisable, in the opinion of the President of the United States, to nominate before the 1st of January, 1859, to the active or reserved list of the Navy, or to transfer from furlough to leave of absence on the latter list any officer who may have been dropped or retired by the operation of the act of February 28th, 1855, I nominate the following officers who were dropped or retired by the operation of the above act, as follows:

Philip F. Voorhees, a captain on the reserved list on furlough pay, to leave pay.

Thomas Paine, a captain on the reserved list on furlough pay, to the active list, to take rank next after Captain Thomas Crabbe.

William Ramsay, a captain, dropped to the active list, to take rank next after Captain French Forrest.

William Inman, a captain on the reserved list on leave pay, to the active list, to take rank next after Captain Josiah Tattnall.

Samuel W. Lecompte, a commander on the reserved list on furlough pay, to leave pay.

William M. Armstrong, a commander on the reserved list on leave pay, to be a captain on the active list, to take rank next after Captain Joseph R. Jarvis.

Andrew K. Long, a commander on the reserved list on furlough pay, to be a captain on the active list, to take rank next after Captain Henry Eagle.

Zachariah F. Johnston, a commander, dropped, to take rank next after Captain George S. Blake.

T. Darrah Shaw, a commander on the reserved list on leave pay, to be a commander on the active list, to take rank next after Commander Wm. C. Whittle.

William D. Porter, a lieutenant on the reserved list on furlough pay, to be a commander on the active list, to take rank next after Commander Henry K. Thatcher.

Gab'l G. Williamson, a lieutenant on the reserved list on leave pay, to be a commander on the active list, to take rank next after Commander Fred'k Chatard.

John C. Carter, a lieutenant on the reserved list on furlough pay, to be a commander on the active list, to take rank next after Com'd'r Geo. A. Prentiss.

Simon B. Bissell, a lieutenant on the reserved list on leave pay, to be a commander on the active list, to take rank next after Commander John P. Gillis.

John J. Glasson, a lieutenant on the reserved list on leave pay, to be a commander on the active list, to take rank next after Commander Sam'l Swartwout.

A. H. Kilty, a lieutenant on the reserved list on furlough pay, to be a commander on the active list, to take rank next after Commander Charles S. Boggs.

William Ohandler, a lieutenant on the reserved list on leave pay, to be a commander on the active list, to take rank next after A. H. Kilty.

Richard W. Meade, a lieutenant on the reserved list on furlough pay, to be a commander on the active list, to take rank next after Com'd'r John R. Tucker.

Alexander Gibson, a lieutenant on the reserved list on furlough pay, to be a commander on the active list, to take rank next after Com'd'r E. M. Yard.

Henry C. Flagg, a lieutenant on the reserved list on furlough pay, to leave pay.

L. J. B. Walbach, a lieutenant, dropped, to be a lieutenant on the active list, to take rank next after L't Wm. H. Ball.

Thomas Brownell, a lieutenant on the reserved list on furlough pay, to leave pay.

James A. Doyle, a lieutenant on the reserved list on furlough pay, to the active list, to take rank next after Lieut. J. R. M. Mullany.

Mathias C. Marin, a lieutenant on the reserved list on leave pay, to the active list, to take rank next after Lieut. James A. Doyle.

S. Chase Barney, a lieutenant, dropped, to be a lieutenant on the reserved list on leave of absence pay, to take rank next after Lieut. M. B. Woolsey.

Robert B. Riell, a lieutenant on the reserved list on furlough pay, to the active list, to take rank next after Lieut. Thomas B. Huger.

M. C. Perry, a lieutenant on the reserved list on furlough pay, to the active list, to take rank next after Lieut. Robert B. Riell.

Henry Rolando, a lieutenant on the reserved list on furlough pay, to the active list, to take rank next after Lieutenant Daniel Ammen.

Foxhall A. Parker, a lieutenant on the reserved list on furlough pay, to the active list, to take rank next after Lieut. J. M. Wainwright.

John F. Abbott, a lieutenant on the reserved list on furlough pay, to leave pay.

William B. Fitzgerald, a lieutenant on the reserved list on furlough pay, to the active list, to take rank next after Lieut. C. M. Fauntleroy.

Alex'r C. Rhind, a lieutenant, dropped, to be a lieutenant on the active list, to take rank next after Lieut. Abner Read.

Robert M. McAvann, a lieutenant on the reserved list on furlough pay, to the active list, to take rank next after Lieut. Wm. Nelson.

John P. Hall, a passed midshipman, dropped, to be a lieutenant on the active list, to take rank next after Lieut. John W. Bennett.

Allen T. Byrens, a passed midshipman, dropped, to be a lieutenant on the active list, to take rank next after Lieut. W. K. Mayo.

James M. Watson, a lieutenant on the reserved list on furlough pay, to leave pay.

JAMES BUCHANAN.

WASHINGTON, D. C., *December 20, 1858.*

*To the Senate of the United States:*

I nominate Charles Rey, of New York, to be consul of the United States at St. Martin, W. Indies.

JAMES BUCHANAN.

WASHINGTON, *December —, 1858.*

The messages were read.

*Ordered*, That the nominations of Carey W. Ryckman, John. P. Brown, Benjamin Wiggin, and James B. Bowlin be referred to the Committee on Foreign Relations.

*Ordered*, That the nominations of Visessimus Turner, Richard Fitzpatrick, Theodore Frean, William Fell Giles, jr., Robert Rose, John Merritt, William H. McGrath, Charles J. Helm, Robert A. Finley, Leonard G. Sanford, Charles Bodman, Horatio de V. Glentworth, Andrew J. Smith, Stephen S. Remak, James F. Maguire, James McDowell, Rudolph F. Schillon, Tapley M. Young, and Charles Rey be referred to the Committee on Commerce.

*Ordered*, That the nominations of A. Lawrence Lovejoy, Benjamin Jennings, Sidney M. Torbert, and Robert D. Haden be referred to the Committee on Public Lands.

*Ordered*, That the nomination of Charles P. Sengstack be referred to the Committee on the District of Columbia.

*Ordered*, That the nomination of Samuel Medary be referred to the Committee on Territories.

*Ordered*, That the nomination of Howkin B. Beardslee be referred to the Committee on the Post-Office and Post-Roads.

On motion by Mr. Stuart that the nominations of Captain Philip F. Voorhees and others, officers of the Navy, for promotion and restoration in the Navy, be referred to the Committee on Naval Affairs.

It was determined in the negative.

On motion by Mr. Davis,

*Ordered*, That the further consideration of the nominations of Captain Philip F. Voorhees and others, officers in the Navy, be postponed and that they be made the special order of the day for to-morrow (Wednesday), the 22d inst., at 1 o'clock.

### WEDNESDAY, DECEMBER 22, 1858.

The following messages were received from the President of the United States, by Mr. Henry, his secretary :

*To the Senate of the United States :*

In addition to the nominations made by me on the 21st instant, under the joint resolutions of March 10th and May 11th, 1858, I submit the following, the case never having been presented to me for examination until this morning :

William R. Mercer, late a passed midshipman, dropped, to be a lieutenant in the Navy on the active list, to take rank next after Lieutenant Edward E. Stow.

JAMES BUCHANAN.

WASHINGTON, D. C., *December 22, 1858.*

*To the Senate of the United States :*

In addition to the nominations submitted by me on the 21st inst., under the joint resolutions of March 10th and May 11th, 1858, I submit the following, which was accidentally omitted :

Horace N. Harrison, a lieutenant on the reserved list on furlough pay, to be transferred to leave of absence pay.

JAMES BUCHANAN.

WASHINGTON, D. C., *December 22, 1858.*



*To the Senate of the United States :*

I nominate Robert Wickliffe Woolley, of Kentucky, to be secretary of the legation of the United States to Spain.

JAMES BUCHANAN.

WASHINGTON, *December 22d*, 1858.

*To the Senate of the United States :*

I nominate Leland Wright, of Missouri, to be register of the land office at Boonville, Missouri, vice John J. Lowry, declined.

JAMES BUCHANAN.

WASHINGTON, *December 20*, 1858.

*To the Senate of the United States :*

I transmit to the Senate for its consideration with a view to ratification, a convention between the United States and Belgium for regulating the commerce and navigation between the two countries, signed in this city on the 17th of July last.

JAMES BUCHANAN.

WASHINGTON, *December 22*, 1858.

The messages were read.

*Ordered*, That the nomination of Leland Wright be referred to the Committee on Public Lands.

The convention between the United States and Belgium for regulating the commerce and navigation between the two countries, signed in Washington the 17th July, 1858, was read the first time.

On motion by Mr. Mason,

*Ordered*, That the said treaty, together with the message of the President, be referred to the Committee on Foreign Relations and printed in confidence for the use of the Senate.

Mr. Stuart, from the Committee on Public Lands, to whom were referred, the 15th inst., the nominations of T. Rush Spencer, Christopher Graham, Joseph Hopkins, Edmund P. Hart, Pascal Bequette, Samuel M. Hankins, James G. G. Garrett, William B. Rankin, William A. Davidson, and Ward B. Burnett, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Stuart, from the Committee on the Public Lands, to whom were referred, the 21st inst., the nominations of A. Lawrence Lovejoy, Sidney M. Torbet, Benjamin Jennings, and Robert D. Haden, reported.

Whereupon

*Resolved*, The Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Bigler, from the Committee on the Post-Office and Post-Roads, to whom was referred, the 21st inst., the nomination of Howkin B. Beardslee, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Howkin B. Beardslee, agreeably to the nomination.

Mr. Davis, from the Committee on Military Affairs and the Militia, to whom were referred, the 13th inst., the nominations of James Simons, and others for promotion and appointment in the Army, reported Richard K. Meade, jr., Edward P. Alexander, William D. Pender, Samuel U. Ferguson, Marcus A. Reno, John B. Hood, Manning M. Kimmel,

George A. Cunningham, Robert M. Morris, Joseph G. Tilford Ira W. Clafin, Erasmus D. Keys, George P. Andrews, Lyman M. Kellogg, Thomas M. Saunders, William Sinclair, Augustus G. Robinson, Asa B. Carey, Thomas G. Pitcher, Thomas M. Jones, William Craig, James J. Van Horn, Royal T. Frank, Charles G. Harker, Cuvier Grover, James Deshler, Sardine P. Reed, William W. Burnes, James Longstreet, and Daniel McClure.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr Mallory, from the Committee on Naval Affairs, to whom were referred, the 12th inst., the nominations of William H. Dana, and others, for promotion and appointment in the Navy, reported William H. Dana, Edward E. Potter, George Bacon, and J. Crossan Chaplin.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Sebastian, from the Committee on Indian Affairs, to whom were referred, the 13th inst., the nominations of Samuel A. Blain, Robert J. Cowait, R. H. Lansdale, Andrew J. Cain, and James W. Denver, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Clay, from the Committee on Commerce, to whom were referred, the 21st inst., the nominations of Visessimus Turner and others to be consuls, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Visessimus Turner, Richard Fitzpatrick, Theodore Frean, William Fell Giles, jr., Robert Rose, John Merritt, William H. McGrath, Charles J. Helm, Robert A. Findlay, Leonard G. Sanford, Horatio V. Glentworth, Andrew J. Smith, Stephen S. Remak, James F. Maguire, James McDowell, and Tapley W. Young, agreeably to their nominations respectively.

Mr. Clay, from the Committee on Commerce, to whom was referred, the 24th instant, the nomination of Charles Rey, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Charles Rey, agreeably to the nomination.

Agreeably to order, the Senate proceeded to consider the nominations of Captain Philip F. Voorhees and others, officers of the Navy on the reserved, furlough, and leave pay list for promotion and restoration in the Navy ; and on the question,

Will the Senate advise and consent to the appointment of Philip F. Voorhees, William Inman, Samuel W. Lecompte, William M. Armstrong, Andrew K. Long, T. Darrah Shaw, William D. Porter, Gab'l G. Williamson, John C. Carter, Simon B. Bissell, John J. Glasson, A. H. Kilty, William Chandler, Richard W. Meade, Alexander Gibson, Henry C. Flagg, J. J. B. Walback, Thomas Brownell, James A. Doyle, Mathias C. Marin, S. Chase Barney, Henry Rolando, Foxhall A. Parker, John F. Abbott, William B. Fitzgerald, Alexander C. Rhind, Robert M. Mc-Araun, John P. Hall, Allen T. Byrens, and James M. Watson?

It was determined in the affirmative, { Yeas..... 34  
Nays..... 5

On motion by Mr. Hamlin,

The yeas and nays being desired by one-fifth of the Senators present,  
Those who voted in the affirmative are,

Messrs. Bates, Bayard, Bigler, Broderick, Brown, Cameron, Chandler, Clark, Clingman, Collamer, Davis, Dixon, Doolittle, Fitzpatrick, Foot, Foster, Green, Hale, Harlan, Houston, Hunter, Iverson, Jones, Kennedy, Mason, Polk, Reid, Rice, Sebastian, Seward, Shields, Toombs, Wade, Wright.

Those who voted in the negative are,

Messrs. Fitch, Hamlin, Johnson of Tenn., Stuart, Trumbull.

So it was

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

On the question, Will the Senate advise and consent to the appointment of William Ramsay?

It was determined in the affirmative.

So it was

*Resolved*, That the Senate advise and consent to the appointment of William Ramsay, agreeably to the nomination.

On the question, Will the Senate advise and consent to the appointment of Zach. F. Johnston?

It was determined in the affirmative.

So it was

*Resolved*, That the Senate advise and consent to the appointment of Zach. F. Johnston, agreeably to the nomination.

On the question, Will the Senate advise and consent to the appointment of Robert B. Riell?

It was decided in the affirmative, { Yeas ..... 26  
Nays ..... 13

Those who voted in the affirmative are,

Messrs. Bayard, Broderick, Brown, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Fessenden, Foot, Foster, Green, Hale, Houston, Hunter, Jones, Kennedy, King, Mason, Rice, Shields, Simmons, Toombs, Wade, Wilson.

Those who voted in the negative are,

Messrs. Bigler, Clingman, Davis, Fitch, Fitzpatrick, Johnson of Tenn., Polk, Reid, Sebastian, Stuart, Thompson of Ky., Thomson of N. J., Wright.

So it was

*Resolved*, That the Senate advise and consent to the appointment of Robert B. Riell, agreeably to the nomination.

On the question, Will the Senate advise and consent to the appointment of M. C. Perry?

It was determined in the affirmative.

So it was

*Resolved*, That the Senate advise and consent to the appointment of M. C. Perry, agreeably to the nomination.

The Senate, by unanimous consent, proceeded to consider the nominations of William R. Mercer and Horatio N. Harrison; and

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Green, from the Committee on Territories, to whom was referred, the 21st inst., the nomination of Samuel Medary, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Samuel Medary, agreeably to the nomination.

On motion by Mr. Mason,

The Senate, by unanimous consent, proceeded to consider the nomination of Robert Wickliffe Woolley; and

*Resolved*, That the Senate advise and consent to the appointment of Robert Wickliffe Woolley, agreeably to the nomination.

*Ordered*, That the nominations of Leland Wright be referred to the Committee on Public Lands.

THURSDAY, DECEMBER 23, 1858.

The following message was received from the President of the United States, by Mr. Henry, his secretary :

*To the Senate of the United States :*

In addition to the nominations heretofore made under the joint resolutions of March 10th and May 11th 1858, I submit the following :

Charles Hunter, a lieutenant on the reserved list on furlough pay, to be transferred to leave of absence pay, the case not having been submitted to me until this morning.

JAMES BUCHANAN.

WASHINGTON, D. C., *December 23, 1858.*

The message was read.

The Senate, by unanimous consent, proceeded to consider the nomination of Charles Hunter; and

*Resolved*, That the Senate advise and consent to the appointment of Charles Hunter, agreeably to the nomination.

Mr. Jones submitted the following resolution for consideration :

*Resolved*, That the President of the United States be requested to nominate to the Senate the officers of the Navy whose cases were before the late courts of inquiry, and who have not heretofore been nominated.

Mr. Brown, from the Committee on the District of Columbia, to whom was referred, the 21st inst., the nomination of Charles P. Sengstack, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Charles P. Sengstack, agreeably to the nomination.

Mr. Stuart, from the Committee on Public Lands, to whom was referred, the 22d inst., the nomination of Leland Wright, reported.

Whereupon

*Resolved*. That the Senate advise and consent to the appointment of Leland Wright, agreeably to the nomination.

TUESDAY, JANUARY 4, 1859.

The following messages were received from the President of the United States, by Mr. Henry, his secretary :

*To the Senate of the United States :*

I nominate James W. Mandeville, of California, to be surveyor-general of the United States for the district of California.

In connection with this nomination, I communicate to the Senate a report from the Secretary of the Interior to myself, dated on the 28th ultimo, in relation to the official conduct of the nominee, which I caused



to be investigated, and which was believed to be drawn into question by the omission of the Senate to act upon his nomination during the last session.

JAMES BUCHANAN.

WASHINGTON, *January 4, 1859.*

*To the Senate of the United States :*

I nominate Demosthenes Walker, of Mississippi, to be consul of the United States, at Genoa, to fill a vacancy.

JAMES BUCHANAN.

WASHINGTON, *January 4, 1859.*

*To the Senate of the United States :*

I nominate Henry Anthon, jr., of New York, to be consul of the United States at Batavia, to fill a vacancy.

JAMES BUCHANAN.

WASHINGTON, *January 4, 1859.*

*To the Senate of the United States :*

I nominate George T. Ingraham, of Maine, to be consul of the United States at Laguna (Yucatan), to fill a vacancy.

JAMES BUCHANAN.

WASHINGTON, *January 4, 1859.*

*To the Senate of the United States :*

I nominate Charles A. Leas, of Maryland, to be consul of the United States at Revel, to fill a vacancy.

JAMES BUCHANAN.

WASHINGTON, *January 4, 1859.*

*To the Senate of the United States :*

I nominate Edward P. Peters, of New York, to be consul of the United States at Trebizonde, Turkey in Asia.

JAMES BUCHANAN.

WASHINGTON, *January 4, 1854.*

*To the Senate of the United States :*

I nominate Joseph W. Livingston, of New York, to be consul of the United States at La Union (San Salvador), to fill a vacancy.

JAMES BUCHANAN.

WASHINGTON, *January 4, 1859.*

*To the Senate of the United States :*

I nominate Albert Mathieu, a citizen of the United States, to be consul of the United States at Carthage, New Granada, to fill a vacancy.

JAMES BUCHANAN.

WASHINGTON, *January 4, 1859.*

*To the Senate of the United States :*

I hereby nominate Thomas W. Pegues to be deputy postmaster at Camden, in the district of Kershaw and State of South Carolina, whose commission expired on the 20th of December, 1858.

JAMES BUCHANAN.

WASHINGTON CITY, *December 31, 1858.*

*To the Senate of the United States :*

I hereby nominate A. H. Spence to be deputy postmaster at Placerville, in the county of Eldorado and State of California, in place of A. M. Thatcher, removed, the said Spence having been appointed during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON, *January 4, 1859.*

*To the Senate of the United States:*

I hereby nominate Jeremiah D. Mann to be deputy postmaster at Aberdeen, in the county of Monroe and State of Mississippi, in place of Davis G. Carter, resigned. ✓

JAMES BUCHANAN.

WASHINGTON CITY, *December 31, 1858.*

*To the Senate of the United States:*

I hereby nominate John A. Brown to be deputy postmaster at Portage City, in the county of Columbia and State of Wisconsin, the said office having become Presidential during the last recess of the Senate.

JAMES BUCHANAN.

WASHINGTON CITY, *28 December, 1858.*

*To the Senate of the United States :*

I transmit, for the consideration of the Senate, a convention with New Granada, signed on the tenth day of September, 1857, and a translation of the decree of the President of that Republic ratifying and confirming the same with certain modifications and explanations.

JAMES BUCHANAN.

WASHINGTON, *23d December, 1858.*

The messages were read.

*Ordered,* That the nomination of James W. Mandeville, with the accompanying documents, be referred to the Committee on Public Lands.

*Ordered,* That the nominations of Demosthenes Walker, Henry Anthon, jun., George T. Ingraham, Charles A. Leas, Edward P. Peters, Joseph W. Livingston, and Albert Mathieu be referred to the Committee on Commerce.

*Ordered,* That the nominations of Thomas W. Pegues, A. H. Spence, Jeremiah D. Mann, and John A. Brown be referred to the Committee on the Post-Office and Post-Roads.

The convention between the United States and New Granada to adjust certain claims, and to cement the good understanding between the two Republics, signed the 10th day of September, 1857, was read the first time.

On motion by Mr. Slidell,

*Ordered,* That the said convention, together with the message of the President and the accompanying document, be referred to the Committee on Foreign Relations and printed in confidence for the use of the Senate.

THURSDAY, JANUARY 13, 1859.

The Senate having determined to proceed to the consideration of executive business,

The Presiding Officer (Mr. Stuart) directed the gallery to be cleared.

The order was being executed,

When

Mr. Chandler moved that the Senate adjourn.

The Presiding Officer decided that no motion was in order until the gallery was cleared.

The order of the Senate having been executed,

The Presiding Officer was proceeding to state the reasons of his decision,

When

On motion by Mr. Trumbull that the doors be opened,

It was determined in the negative.

On motion by Mr. Chandler that the Senate adjourn,

It was determined in the negative.

The Presiding Officer having stated his reasons for the decision of the Chair,

Mr. Hale appealed from the decision of the Chair, that the motion of Mr. Chandler to adjourn before the gallery was cleared, was not in order.

On motion by Mr. Pugh that the appeal lie on the table,

It was decided in the affirmative.

The following messages were received from the President of the United States, by Mr. Henry, his secretary:

*To the Senate of the United States:*

I hereby nominate Joseph M. Griswold to be deputy postmaster at Lansing, in the county of Ingham and State of Michigan, in place of Van S. Murphy, removed.

JAMES BUCHANAN.

WASHINGTON, *January 4th*, 1859.

*To the Senate of the United States:*

I nominate Alfred M. Barbour, of Virginia, to be superintendent of the United States armory at Harper's Ferry, Virginia, to date from January 1, 1859, as proposed by the Secretary of War.

JAMES BUCHANAN.

WASHINGTON, *January 4*, 1859.

WAR DEPARTMENT, *January 4*, 1859.

SIR: I have the honor to propose for your approbation the name of Alfred M. Barbour, of Virginia, to be superintendent of the United States armory at Harper's Ferry, Virginia, to date from January 1, 1859.

I am sir, with great respect, your obedient servant,

JOHN B. FLOYD,

*Secretary of War.*

To the PRESIDENT OF THE UNITED STATES.

*To the Senate of the United States:*

I nominate Andrew Humphreys, of Indiana, to be Indian agent in the Territory of Utah, vice Garland Hurt, whose term of office has expired.

JAMES BUCHANAN.

WASHINGTON, *January 4*, 1859.

*To the Senate of the United States:*

I nominate John H. E. Sprinkle, of Indiana, to be register of the land office at Vincennes, Indiana, under authority of the act of Decem-

ber 21, 1858, entitled "An act to continue the office of register of the land office at Vincennes, Indiana."

JAMES BUCHANAN.

WASHINGTON, *January 4, 1859.*

*To the Senate of the United States:*

I transmit herewith to the Senate, for its consideration with a view to ratification, a convention between the United States and the Republic of Chili, signed by the plenipotentiaries of the parties on the 10th day of November last, providing for the reference to an arbiter of the questions which have long been in controversy between the two Governments, relative to a sum of money, the proceeds of the cargo of the brig Macedonia, alleged to have belonged to citizens of the United States, which was seized in the Valley of Sitana, in Peru, by orders of an officer in the service of the Republic of Chili.

JAMES BUCHANAN.

WASHINGTON, *5th January, 1859.*

*To the Senate of the United States:*

I transmit herewith, for the constitutional action of the Senate, the articles of agreement and convention made and concluded on the 19th day of June last, with the Mendawakanton and Wapakoota bands of the Dakota or Sioux Indians.

JAMES BUCHANAN.

WASHINGTON, *5 January, 1859.*

*To the Senate of the United States:*

I transmit herewith, for the constitutional action of the Senate, the articles of agreement and convention made and concluded on the 19th day of June last, 1858, with the Sisseton and Wahpaton bands of the Dakota or Sioux Indians, with accompanying papers from the Department of the Interior.

JAMES BUCHANAN.

WASHINGTON, *5 January, 1859.*

*To the Senate of the United States:*

I nominate Townsend Harris, of New York, to be minister resident of the United States in Japan.

JAMES BUCHANAN

WASHINGTON, *January, 1859.*

*To the Senate of the United States:*

I nominate Robert Dowling, of Iowa, to be consul of the United States at Cork, in place of Hugh Keenan, recalled.

JAMES BUCHANAN.

WASHINGTON, *January 7, 1859.*

*To the Senate of the United States:*

I nominate James M. Spurlock, of Georgia, to be marshal of the United States for the district of Georgia, vice Daniel H. Stewart, removed.

JAMES BUCHANAN.

JANUARY 7TH, 1859.

*To the Senate of the United States:*

I nominate Riley W. Slocumb, of California, to be coiner of the branch of the mint of the United States at San Francisco, in the State of California, in the place of John M. Eckfeldt, removed.

JAMES BUCHANAN.

WASHINGTON, *January 10, 1859.*

*To the Senate of the United States:*

I nominate James L. Peacock, of Mississippi, to be consul of the United States at Guatemala, to fill a vacancy.

JAMES BUCHANAN.

WASHINGTON, *January 7th, 1859.*

*To the Senate of the United States:*

I nominate Robert Benguerel, of Louisiana, to be register of the land office at Opelousas, Louisiana, to take effect from and after the 7th of February, 1859, when his present term of office will expire.

JAMES BUCHANAN.

WASHINGTON, *January 7, 1859.*

The messages were read.

*Ordered,* That the nomination of Joseph M. Griswold be referred to the Committee on the Post-Office and Post-Roads.

*Ordered,* That the nomination of Alfred M. Barbour be referred to the Committee on Military Affairs and the Militia.

*Ordered,* That the nomination of Andrew Humphreys be referred to the Committee on Indian Affairs.

*Ordered,* That the nominations of John H. E. Sprinkle and Robert Benguerel be referred to the Committee on Public Lands.

*Ordered,* That the nomination of Townsend Harris be referred to the Committee on Foreign Relations.

The convention between the United States and the Republic of Chili, signed on the 10th day of November, 1858, providing for the reference to an arbiter of the questions relative to a sum of money, the proceeds of the cargo of the brig Macedonian, was read the first time.

On motion by Mr. Mason,

*Ordered,* That the said convention, together with the accompanying documents, be referred to the Committee on Foreign Relations and printed in confidence for the use of the Senate.

The articles of agreement and convention, made and concluded on the 19th day of June, 1858, with the Mendawa, Kanton, and Wakapoota bands of the Dakota and Sioux Indians, were read the first time.

On motion by Mr. Sebastian,

*Ordered,* That the said articles of agreement and convention, together with the accompanying documents, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

The articles of agreement and convention, made and concluded on the 19th day of June, 1858, with the Sisseton and Wahpaton bands of the Dakotah or Sioux Indians, were read the first time.

On motion by Mr. Sebastian,

*Ordered,* That the said articles of agreement and convention, together with the accompanying documents, be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

On motion by Mr. Jones,

The Senate, by unanimous consent, proceeded to consider the nomination of Robert Dowling; and



*Resolved*, That the Senate advise and consent to the appointment of Robert Dowling, agreeably to the nomination.

*Ordered*, That the nomination of James M. Spurlock be referred to the Committee on the Judiciary.

*Ordered*, That the nomination of Riley W. Slocumb be referred to the Committee on Finance.

*Ordered*, That the nomination of James S. Peacock be referred to the Committee on Commerce.

Mr. Clay, from the Committee on Commerce, to whom was referred, the 4th inst., the nominations of Demosthenes Walker, Henry Anton, jr., George T. Ingraham, Charles A. Leas, Edward P. Peters, Joseph W. Livingston, and Albert Mathieu, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Mason, from the Committee on Foreign Relations, to whom were referred, 21st December last, the nominations of Garey W. Ryckman, John P. Brown, and James B. Bowlin, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, the 21st December last, the nomination of Benjamin Wiggin, reported.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, the 4th inst., the convention between the United States and New Granada, to adjust certain claims, and to cement the good understanding between the two Republics signed on the 10th day of September, 1857, reported it without amendment.

On motion by Mr. Slidell,

*Ordered*, That the original records of the courts of inquiry under the resolutions of Congress of March 10th, and May 11th, 1858, be returned to the Secretary of the Navy Department, in compliance with the request of the President in his message of December 20th inst.

### WEDNESDAY, JANUARY 19, 1859.

The following messages were received from the President of the United States, by Mr. Henry, his secretary:

*To the Senate of the United States :*

I nominate Robert P. Waring, of North Carolina, to be consul of the United States at St. Thomas, to fill a vacancy.

JAMES BUCHANAN.

WASHINGTON, *January 14th*, 1859.

*To the Senate of the United States :*

I nominate Lieutenant-Colonel John Harris to be colonel commandant of the Marine Corps, from the 7th of January, 1859, vice Archibald Henderson, deceased.

Major James Edelin to be lieutenant-colonel in the Marine Corps, from the 7th of January, 1859, vice John Harris, promoted.

Captain Benjamin Macomber to be a major in the Marine Corps, from the 7th of January, 1859, vice James Edelin, promoted.

First Lieutenant John C. Grayson to be a captain in the Marine Corps, from the 7th of January, 1859, vice Benjamin Macomber, promoted.

Second Lieutenant Edward Jones to be a first lieutenant in the Marine Corps, from the 7th of January, 1859, vice John C. Grayson, promoted.

JAMES BUCHANAN.

WASHINGTON, D. C., *January 11, 1859.*

*To the Senate of the United States :*

I nominate Frederick N. Wise, of Kentucky, to be a purser in the Navy to fill the vacancy created by the dismissal of Samuel V. Hunter.

JAMES BUCHANAN.

WASHINGTON, D. C., *January 14, 1859.*

*To the Senate of the United States :*

I nominate Lucien L. Dawson, of Texas, to be a second lieutenant in the Marine Corps, from the 13th of January, 1859, to fill the vacancy created by the promotion of Second Lieutenant R. L. Browning.

JAMES BUCHANAN.

WASHINGTON, D. C., *January 13, 1859.*

*To the Senate of the United States :*

I nominate Charles De Ronceray, of the District of Columbia, to be consul of the United States at San Juan, Porto Rico, to fill a vacancy.

JAMES BUCHANAN.

WASHINGTON, *January 17th, 1859.*

*To the Senate of the United States :*

I nominate Peter T. Crutchfield, of Arkansas, to be receiver of public moneys for the district of lands subject to sale at Little Rock, Arkansas, to take effect from and after the 18th of February, 1859, at which time his present term of office will expire.

JAMES BUCHANAN.

WASHINGTON, *January 18th, 1859.*

The messages were read.

On motion by Mr. Clingman,

The Senate, by unanimous consent, proceeded to consider the nomination of Robert P. Waring; and

*Resolved*, That the Senate advise and consent to the appointment of Robert P. Waring, agreeably to the nomination.

*Ordered*, That the nominations of John Harris and others, for promotion in the Marine Corps, be referred to the Committee on Naval Affairs.

*Ordered*, That the nominations of Frederick N. Wise and of Lucien L. Dawson be referred to the Committee on Naval Affairs.

*Ordered*, That the nomination of Charles De Ronceray be referred to the Committee on Commerce.

*Ordered*, That the nomination of Peter T. Crutchfield be referred to the Committee on Public Lands.

Mr. Bayard, from the Committee on the Judiciary, to whom was referred, December 13th, the nomination of Rush Elmore, reported.

Whereupon

On the question, Will the Senate advise and consent to the appointment of Rush Elmore?

It was determined in the affirmative, { Yeas ..... 32  
Nays ..... 16

On motion by Mr. Trumbull,

The yeas and nays being desired by one-fifth of the Senators present,  
Those who voted in the affirmative are,

Messrs. Allen, Bates, Bayard, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Crittenden, Douglas, Fitch, Fitzpatrick, Green, Gwin, Iverson, Johnson of Ark., Johnson of Tenn., Jones, Kennedy, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Shields, Slidell, Stuart, Ward, Wright.

Those who voted in the negative are,

Messrs. Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Harlan, King, Seward, Simmons, Trumbull, Wade, Wilson.

So it was

*Resolved*, That the Senate advise and consent to the appointment of Rush Elmore, agreeably to the nomination.

Mr. Bayard, from the Committee on the Judiciary, to whom was referred, the 13th inst., the nomination of James M. Spurlock, reported.

Mr. Mallory, from the Committee on Naval Affairs, to whom were referred, December 13th, the nominations of Edward Hudson, Robert T. Maccoun, Charles E. Lining, Jonathan C. Bertollette, Thomas W. Leach, Marcellus P. Christian, James J. Magee, Benjamin F. Gibbs, Joseph O. Burnett, William M. King, Granville T. Pierce, James Fulton, Henry H. Stewart, Alban C. Stimers, Robert Tansill, Robert L. Browning, Henry L. Ingraham, and J. Howard Rathbone, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Davis, from the Committee on Military Affairs and the Militia, to whom was referred the nomination of Alfred M. Barbour, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Alfred M. Barbour, agreeably to the nomination.

Mr. Gwin, from the Committee on Finance, to whom was referred, the 13th inst., the nomination of Riley W. Slocumb, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Riley W. Slocumb, agreeably to the nomination.

Mr. Bigler, from the Committee on the Post-Office and Post-Roads, to whom was referred, the 13th inst., the nomination of Joseph M. Griswold, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Joseph M. Griswold, agreeably to the nomination.

Mr. Bigler, from the Committee on the Post-Office and Post-Roads, to whom were referred, the 4th inst., the nominations of Thomas W. Pegues, A. H. Spence, Jeremiah D. Mann, and John A. Brown, reported.

Whereupon

*Resolved*, that the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Sebastian, from the Committee on Indian Affairs, to whom was referred, the 13th inst., the nomination of Andrew Humphreys, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Andrew Humphreys, agreeably to the nomination.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, the 13th inst., the nomination of Townsend Harris, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Townsend Harris, agreeably to the nomination.

Mr. Stewart, from the Committee on Public Lands, to whom were referred, the 13th inst., the nominations of John H. E. Sprinkle and Robert Benguerd, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Clay, from the Committee on Commerce, to whom was referred, the 13th inst., the nomination of James S. Peacock, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of James S. Peacock, agreeably to the nomination.

Mr. Davis, from the Committee on Military Affairs and the Militia, to whom were referred, December 13th, the nominations of Charles H. Ingraham and Richard Fatherly, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

The Senate proceeded to consider the nomination of Thomas Miller; and

*Resolved*, That the Senate advise and consent to the appointment of Thomas Miller, agreeably to the nomination.

The Senate proceeded to consider the nomination of Charles Ross; and

*Resolved*, That the Senate advise and consent to the appointment of Charles Ross, agreeably to the nomination.

#### FRIDAY, JANUARY 21, 1859.

The following message was received from the President of the United States, by Mr. Henry, his secretary:

*To the Senate of the United States:*

I hereby nominate Edmund Richardson to be deputy postmaster at Albany, in the county of Baker and State of Georgia, the said office having become Presidential.

JAMES BUCHANAN.

The message was read.

*Ordered*, That the nomination of Edmund Richardson be referred to the Committee on the Post-Office and Post-Roads.

On motion by Mr. Bayard,

The Senate proceeded to consider the nomination of James M. Spurlock; and

*Resolved*, That the Senate advise and consent to the appointment of James M. Spurlock, agreeably to the nomination.

The Senate proceeded to consider the nomination of James E. Lewis; and

*Resolved*, That the Senate advise and consent to the appointment of James E. Lewis, agreeably to the nomination.

The Senate proceeded to consider the nomination of Emery D. Potter. After debate,

On motion by Mr. Benjamin that the Senate adjourn,  
It was determined in the negative.  
After further debate,  
On motion by Mr. Kennedy that the Senate adjourn,  
It was determined in the negative.  
After further debate,  
On motion by Mr. Seward,  
The Senate adjourned.

## MONDAY, JANUARY 24, 1859.

The following messages were received from the President of the United States, by Mr. Henry, his secretary :

*To the Senate of the United States :*

On the seventh day of the present month I nominated James M. Spurlock to be marshal of the United States for the district of Georgia, but the name of the nominee was erroneously written Spurlock.

I now submit the case to the Senate again, so that the error may be corrected on your records and the commission properly issued.

JAMES BUCHANAN.

WASHINGTON, *January 24, 1859.*

*To the Senate of the United States :*

I nominate W. Wallace Ward, of Georgia, to be secretary of the legation of the United States in China.

JAMES BUCHANAN.

WASHINGTON, *January 24th, 1859.*

The messages were read.

On motion by Mr. Bayard,

The Senate, by unanimous consent, proceeded to consider the nomination of James M. Spurlock ; and

*Resolved*, That the Senate advise and consent to the appointment of James M. Spurlock, agreeably to the nomination.

On motion by Mr. Toombs,

The Senate, by unanimous consent, proceeded to consider the nomination of W. Wallace Ward ; and

*Resolved*, That the Senate advise and consent to the appointment of W. Wallace Ward, agreeably to the nomination.

Mr. Yulee, from the Committee on the Post-Office and Post-Roads, to whom was referred, the 21st inst., the nomination of Edmund Richardson, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Edmund Richardson, agreeably to the nomination.

Mr. Yulee, from the Committee on the Post-Office and Post-Road, to whom was referred, December 13th, the nomination of Charles L. Weller, reported.

The Senate resumed the consideration of the nomination of Emery D. Potter.

After debate,

On motion by Mr. Davis,

*Ordered*, That the further consideration of the said nomination be postponed, and that it be made the order of the day for Wednesday next, the 26th inst., at two o'clock.



The Senate proceeded to consider the nomination of Benjamin Wiggin.

On motion by Mr. Fessenden,

*Ordered*, That the further consideration of the said nomination be postponed until to-morrow.

The Senate proceeded to consider the nominations of Charles Bodman and Rudolph F. Schillon; and

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

On motion by Mr. Yulee,

The articles of agreement and convention between the United States and the Yancton tribe of the Sioux or Dakotah Indians, signed the 19th day of April, 1858, were read the 2d time, and considered as in Committee of the Whole; and,

On motion by Mr. Green,

*Ordered*, That the further consideration of the said articles of agreement and convention be postponed, and that they be made the special order of the day for Wednesday next, the 26th instant, at two o'clock.

### WEDNESDAY, JANUARY 26, 1859.

The articles of agreement and convention between the United States and the Yancton tribe of Sioux or Dacotah Indians, signed the 19th day of April, 1858, were read the 2d time, and considered as in Committee of the Whole; and,

On motion by Mr. Gwin,

*Ordered*, That the further consideration of the said articles of agreement and convention be postponed, and that they be made the special order of the day for to-morrow (Thursday), the 27th inst., at 2 o'clock.

### WEDNESDAY, FEBRUARY 2, 1859.

The following messages were received from the President of the United States, by Mr. Henry, his secretary:

*To the Senate of the United States :*

I nominate William Moss, of Arkansas, to be register of the land office at Washington, Arkansas, commissioned during the recess of the Senate, vice Henry P. Johnson, resigned.

JAMES BUCHANAN.

WASHINGTON, *January 25*, 1859.

*To the Senate of the United States :*

I nominate William Pelham, of New Mexico, to be surveyor-general of the Territory of New Mexico, commissioned during the recess of the Senate, his previous term of office having expired.

JAMES BUCHANAN.

WASHINGTON, *January 18*, 1859.

*To the Senate of the United States :*

I nominate James S. Gilliam to be assistant surgeon in the Navy, from the 26th of April, 1847, to take rank next after Passed Assistant Surgeon James F. Harrison.

This nomination is intended to restore Passed Assistant Surgeon Gilliam to his former position in the Navy, he having resigned on the 2d December, 1858, and there being a vacancy.

JAMES BUCHANAN.

WASHINGTON, D. C., *January 21, 1859.*

*To the Senate of the United States :*

I nominate Andrew F. Ammidown, of Worcester, Massachusetts, to be Navy agent for the port of Boston, Massachusetts, for four years, from the 8th of February, 1859, when the commission of the present incumbent will expire.

JAMES BUCHANAN.

WASHINGTON, D. C., *January 25, 1859.*

*To the Senate of the United States:*

I nominate Samuel M. Weaver, of Arkansas, to be marshal of the United States for the eastern district of that State, vice John Quindley, resigned.

JAMES BUCHANAN.

JANUARY 26, 1859.

*To the Senate of the United States:*

I nominate Thomas S. Twiss, of Kansas Territory, to be agent for the Indians of the Upper Platte Agency, to take effect from and after the 3d day of March, 1859, when his present term of office will expire.

JAMES BUCHANAN.

WASHINGTON, *January 28, 1859.*

*To the Senate of the United States:*

I nominate William Shearer to be surveyor of the customs for the port of Lake Port, in the State of Louisiana, his late commission having expired.

JAMES BUCHANAN.

WASHINGTON, *February 1st, 1859.*

*To the Senate of the United States:*

I nominate William Nolen to be surveyor of the customs for the port of Paducah, in the State of Kentucky, his late commission having expired.

JAMES BUCHANAN.

WASHINGTON, *February 1st, 1859.*

*To the Senate of the United States:*

I nominate Philip T. Colby, of Kansas T., for appointment as marshal of the United States for said Territory, vice William P. Fain, resigned.

JAMES BUCHANAN.

FEB. 1ST, 1859.

*To the Senate of the United States:*

I nominate John H. New, of Louisiana, for appointment as attorney of the United States for the western district of that State, vice Floyd Walton, resigned.

JAMES BUCHANAN.

FEB. 2ND, 1859.

*To the Senate of the United States:*

I nominate Christopher H. Dabbs, of Louisiana, to be receiver of public moneys for the district of lands subject to sale at Monroe, Louisiana, to take effect from and after the 7th of February, 1859, when the commission of Charles H. Morrison will expire.

JAMES BUCHANAN.

WASHINGTON, *January 31, 1859.*

*To the Senate of the United States:*

I nominate Daniel Reisinger, of Kansas Territory, to be Indian agent for the "Delaware" Agency, to take effect from and after the 3d day of March, 1859, when the commission of the present incumbent will expire.

JAMES BUCHANAN.

WASHINGTON, *February 1, 1859.*

*To the Senate of the United States:*

I nominate James R. Vineyard, of California, to be Indian agent in the State of California, to take effect from and after the 3d day of March, 1859, when his present term of office will expire.

JAMES BUCHANAN.

WASHINGTON, *February 1, 1859.*

*To the Senate of the United States:*

I nominate Milton C. Dickey, of Kansas Territory, to be agent for the Indians of the "Kansas" Agency, to take effect from and after the 3d day of March, 1859, when the commission of the present incumbent will expire.

JAMES BUCHANAN.

WASHINGTON, *February 1, 1859.*

The messages were read.

*Ordered,* That the nominations of William Moss, William Pelham, and Christopher H. Dabbs be referred to the Committee on Public Lands.

On motion by Mr. Sebastian,

The Senate, by unanimous consent, proceeded to consider the nomination of Samuel M. Weaver; and

*Resolved,* That the Senate advise and consent to the appointment of Samuel M. Weaver, agreeably to the nomination.

*Ordered,* That the nominations of Philip T. Colby and John H. New be referred to the Committee on the Judiciary.

*Ordered,* That the nominations of James S. Gilliam and Andrew F. Ammidown be referred to the Committee on Naval Affairs.

*Ordered,* That the nominations of William Shearer and William Nolen be referred to the Committee on Commerce.

*Ordered,* That the nominations of Thomas S. Twiss, Daniel Reisinger, James R. Vineyard, and Milton C. Dickey be referred to the Committee on Indian Affairs.

Mr. Clay, from the Committee on Commerce, to whom was referred, January 19th, the nomination of Charles De Ronceray, reported.

Whereupon

*Resolved,* That the Senate advise and consent to the appointment of Charles De Ronceray, agreeably to the nomination.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, January 13th, the convention between the United States and the Republic of Chili, signed on the 10th day of November, 1858, pro-

viding for the reference to an arbiter of the questions relative to a sum of money, the proceeds of the cargo of the brig "Macedonian," reported it without amendment.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, December 22d, the convention between the United States and Belgium for regulating the commerce and navigation between the two countries, signed in Washington on the 17th day of July, 1858, reported it without amendment.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, January 5th, 1858, the convention between the United States and Belgium for regulating the right of inheriting and acquiring property, concluded at the city of Washington the 25th day of August, 1852, reported it with an amendment.

Mr. Davis, from the Committee on Military Affairs and the Militia, to whom was referred, December 13th, the nomination of James Simons, reported.

Mr. Davis, from the Committee on Military Affairs and the Militia, submitted the following report:

The Committee on Military Affairs and the Militia, to whom was referred the nomination of Dr. James Simons, to be surgeon, vice Harney, deceased, and to take rank next after Surgeon De Leon, having had the same under consideration, report:

The act of March 3, 1851, chapter 33, provides "that all promotions in the staff department or corps shall be made as in the other corps of the Army." Thus the rule of promotion in the medical staff was made thereafter to conform to the existing general rule of promotion in the Army, to wit, by seniority. The committee therefore hold that the law requires the vacancy created in the grade of surgeon by the death of Surgeon Harney to be filled by the promotion of the senior assistant surgeon. It only remained, therefore, for the committee to determine whether the nominee (Dr. Simons) is the senior assistant surgeon; and, after a careful examination, they have reached the conclusion that this question must be answered in the negative.

It appears that Dr. Simons was arraigned before a general court-martial, which convened at Fort Riley on the 25th September, 1855, in pursuance of special orders from the War Department, and, in conformity with the rules and articles of war, he was tried and sentenced to be dismissed the service of the United States. The President approved the sentence. It was executed on the 16th January, 1856, and from that date, therefore, Assistant Surgeon James Simons ceased to be an officer of the Army. Being out of the service, he applied for permission to appear before a medical board, as provided by the act of June 30, 1834; and, having been examined and approved as a candidate for admission into the medical staff of the Army, he was, upon the happening of a vacancy during the recess of the Senate, viz, on the 3d October, 1857, appointed by the President an assistant surgeon, to take rank from that date, and was so nominated to the Senate at its next session. This nomination the Senate confirmed, but with a recommendation to the President to give him rank according to a commission he formerly held as assistant surgeon, of date the 11th July, 1839, and a commission bearing that date, not the date for which he had been nominated and confirmed, was issued to him. But it was not legally competent to the President to issue a commission conferring this rank without first, according to the course prescribed by the Constitution, making the proper nomination to the Senate and having their consent and advice to the appointment subsequent and not precedent to such nomination.



This is the doctrine of the Constitution, as asserted by three Attorneys-General, to wit, Butler, Nelson, and Clifford, and as heretofore accepted by the Executive. Attorney-General Butler (Opinion, March 29, 1837) says, "the case involves constitutional questions of much practical importance." "The Senate has no power to originate an appointment; its constitutional action is confined to a simple affirmation or rejection of the President's nomination. Whenever the Senate disagrees to such nomination it fails; and no appointment can be made except upon a new nomination to be made by the President. Suggestions as to the views of the Senate, in cases where that body disagrees to the President's nomination, may, no doubt, be informally communicated to him; but should he think proper to conform to these views, I know of no way in which it can be done consistently with the provisions of the Constitution, except by the making a new nomination in accordance therewith." Mr. Butler proceeds to suggest that perhaps, "as a superior rank may be said to include the inferior, the President may accept the confirmation to a rank inferior to that specified in the nomination, and issue a commission thereon," but otherwise when the Senate proposes a prior date to the commission. These views of the constitutional question Mr. Butler urges as involving "the harmony of the two co-ordinate branches, the independence of the President, the just weight of the Senate, the useful operation of the appointing power."

The same case being subsequently before Attorney-General Nelson, he affirmed the same doctrine (Opinion, August 9, 1843). "The opinion of Mr. Butler" he says, "was recognized as the law of the case by the then President." It was so recognized by President Tyler himself (in submitting a new nomination). "To disturb these reiterated decisions now would, I think, tend to the subversion of principles upon the consistent maintainance of which the most important interests of the Government are dependent." And Mr. Attorney-General Clifford (Opinion, July 14, 1847) to the same point: "In consequence of the variation of the approval from the nomination, no commission could issue." It follows, then, that the commission dated July 11, 1859, issued by President Buchanan to Dr. Simons, is not valid, and cannot place him, where it was designed to place him, at the head of the assistant surgeons, entitled by the law, in regard to promotion, to fill the first vacancy among the surgeons, but that his date and rank in the Medical Corps of the Army is of October 3, 1856, according to the nomination of President Pierce, and the confirmation of the Senate.

This appointment, however, is claimed for Dr. Simons on another ground; that it is a restoration to his former rank. Now, a restoration certainly can be nothing, in fact or in law, but a new appointment, except in the case of an illegal and invalid removal from office, which is no removal at all in law, and may be so treated in fact. But if the removal was valid in law it cannot be annulled in fact. This principle is as well settled by authority as it is clear in reason. Mr. Legaré, Attorney-General (in Dubarry's case, November 29, 1842), said (to cite in this place only so much of that opinion as applies to this point): "He was clearly out of service by a lawful and valid, however harsh, and it may even be unfair, exercise of the Executive power. The act dismissing him cannot be avoided. It is beyond the power of the Executive. All that the President can do in such cases is to repair the wrong done by a new appointment." And Mr. Attorney-General Nelson (January 23, 1844): "I know of no power by which an officer once out of service can be brought back to it, other than by that of appointment."



Mr. Nelson lays down (November 6, 1843), the same doctrine in Whitney's case, and declares any other doctrine or practice to be "in direct repugnance to the Constitution and laws." Dr. Simons was out of the service by a valid and irreversible act. He was adjudged to be dismissed from the service by the sentence of a court martial, which sentence was duly confirmed and executed by the President, and it is not contended that these proceedings were illegal, that either the court or the President exceeded their jurisdiction or authority, but it is urged that the verdict and sentence were harsh, and it is erroneously stated they were reported by the Committee on Military Affairs to be unjust. This objection furnishes no ground now to set them aside.

Mr. Attorney-General Cushing lays down in Howe's case (Opinion, June 5, 1854), that if there be no "cause in law or fact to declare the sentence of the court-martial void *ab initio*, there is no rightful cause or authority to review or reverse it for alleged error." And Mr. Attorney-General Nelson, in Moorhead's case (Opinion, November 6, 1843): "The facts disclosed by the record show it to be one in which the sentence pronounced and executed was peculiarly harsh and severe. The proceedings of the court were exceedingly irregular; testimony manifestly illegal was admitted, whilst that which was legal was ruled inadmissible. But still I do not perceive that these irregularities can be regarded as annulling the judgment pronounced. They might be appealed to as reasons why the revisory power, when called to act upon the proceedings, should not have approved the finding and sentence of the court, but that approval having been signified, they cannot avail wholly to avoid everything that has been done. The judgment of the tribunal created by the law has been pronounced and carried into effect, and the officer upon whom it operated was thenceforth unquestionably out of service. The judgment I now hold to be irreversible," and Mr. Nelson then repeats the doctrine as heretofore reported, "if Mr. Moorhead is restored to the service it must be through the *power of appointment*."

Having thus shown that the dismissal of Dr. Simons cannot be annulled, and that his restoration can only be by a new appointment, it remains to consider, first, whether such appointment can be made, and, second, whether it ought to be made.

1. He cannot be appointed to this vacancy, nor to the head of the list of assistant surgeons, nor to rank by date of commission any assistant surgeon who was already in commission on the 3d October, 1856, when he was reappointed, if the laws regulating appointments and promotions in the Army by seniority be valid and binding. That they are cannot be questioned, unless they are overridden by the constitutional prerogatives of the appointing power.

If this be, indeed, the doctrine of the Constitution, if this formidable prerogative, uncontrollable by law, is lodged in the appointing power, it is now, as the committee believe, asserted for the first time. They find many such laws prescribing conditions and qualifications for office, and imposing restrictions upon the appointing power. They conceive, to use the language of Mr. Attorney-General Legaré, in regard to the Senate, that all laws do, to say the least, "challenge the respect of that august body," and they are not aware that the validity of these laws has ever been questioned by the Executive.

In regard to this office of surgeon the law has imposed various restraints on the appointment. It requires that the appointee shall be first examined and found competent by a medical board; also, that he shall have served five years as an assistant surgeon. (See act of June 30, 1834, chap. 133.)

Are these laws invalid, as well as the law in favor of seniority? Are the various laws requiring appointments in the staff to be made from the line invalid? Is the law which has so long existed regulating promotions in the regiments by seniority invalid? If it could be necessary to point to a special grant in the Constitution to the law-making power in this regard, the committee would refer to the authority to make rules for the government and regulation of the land and naval forces. Surely, a rule of promotion is among the most obvious of these.

The committee cannot doubt that the laws of promotion in the Army are constitutional and binding laws, and that they forbid the appointment now proposed to the Senate. It is true that Attorneys-General Legaré and Clifford, in Dubarry's case, and Nelson in Whitney's and Moorhead's, recognize the legality of such appointments. These cases, however, were in the Navy, where no law regulating appointments and promotions exists to forbid them.

Mr. Nelson, in his opinion, January 23, 1844, admits that in regard to the Navy the appointing power was controlled while the temporary law of August 4, 1842, was in force. Mr. Legaré, in the leading case of Dubarry, which the other cases follow, has certainly no intention to assert any authority in the appointing power, independent of, or superior to law; on the contrary, he says expressly: "Appointments have reference to the laws which they are made to fulfill, and seem to be not valid, except so far as they conform to these laws." The antedating of commissions, he suggests, must be for a good legal reason; for instance, he says, "an officer under arrest on groundless charges is not promoted, because promotion were a pardon; but he is acquitted, and is nominated by relation back."

Everybody sees that this is no arbitrary advancement through partiality, but sheer justice, and a faithful execution of the law. So, if any law entitle an officer to promotion at the end of ten years, and the Executive having neglected to give him his due for some time, afterwards confer it, relation back seems called for by the law itself. "This," he says, "is Vinton's case." (2 Sum., 299.) This was an Army case, where the commission by brevet was antedated in strict compliance with the law. And Mr. Legaré, in regard to the restoration of an officer to his former rank, says, unless "prohibited by some special law." In the present case it is submitted whether the antedates given to the commission of assistant surgeon, and again in the nomination to be surgeon, are not prohibited by the special laws governing promotion in the medical staff and fixing the number of surgeons and assistant surgeons of the Army. The legal right of promotion is lost by every officer whose position is affected by the antedate; and an appointment which takes effect before the vacancy occurred necessarily increases the grade beyond the number fixed by law.

On the second point, whether this nomination ought to be confirmed, if the law permitted it, the committee desire to say but little, and that in reference rather to the very important principle involved than to the merits of this case.

It is a case in which one Executive reviews the act and rejudges the judgment of his predecessor. Formerly this was considered inadmissible. "Each administration," says Mr. Attorney-General Wirt, October 1, 1825, "ought to consider the acts of its predecessors conclusive; otherwise no question could be settled, but the executive business would be always in confusion." "If," he says, "a decision of Mr. Monroe may be reviewed by Mr. Adams, he does not see how he could refuse to review

and reverse the decision of Mr. Washington, upon the application of any aggrieved party." And Mr. Attorney-General Toucey, September 8, 1848, said: "It might well be asked which of the two high functionaries exercising the same authority would, in contemplation of law, be deemed to be in the right—the one who, at a proper time, and on a proper occasion, exercised his legitimate authority according to his best judgment, or the one who undertook to go back into a past stage of administration and revise the acts of his predecessor, whose power was equal to or identical with his own."

It does not appear that the Executive has attempted to review or reverse the decision in this case, but that he merely acted "in respectful compliance with the recommendation and request of the Senate."

But can the Senate set as a tribunal of appeal to review, upon the evidence, the verdict of courts? If such appeal could be allowed in this case it must be allowed in all; it cannot, in honor and justice, be denied in any; and the whole time of the Senate may henceforth be employed in assuming the legal jurisdiction of courts-martial. A crowd of cases may await their review upon the principles of this case.

For all which reasons, as aforesaid, to wit, that the proceedings dismissing Dr. Simons cannot be avoided, and that he cannot lawfully be restored to his former rank by a new appointment, and that the law requires the appointment now of the senior assistant surgeon, the committee recommend that this nomination be not confirmed.

On motion by Mr. Davis,

*Ordered*, That the said report be printed in confidence for the use of the Senate.

Mr. Mallory, from the Committee on Naval Affairs, to whom were referred, January 19th, the nominations of John Harris, James Edelin, Benjamin Macomber, John C. Grayson, Frederick N. Wise, and Lucien L. Dawson, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

The Senate proceeded to consider the nomination of Emery D. Potter.

After debate,

On the question, Will the Senate advise and consent to the appointment of Emery D. Potter?

It was determined in the negative, { Yeas ..... 10  
Nays ..... 18

On motion by Mr. Pugh,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Chandler, Collamer, Crittenden, Fitch, Foot, Harlan, Houston, Shields, Slidell, Wright.

Those who voted in the negative are,

Messrs. Broderick, Brown, Chesnut, Clay, Clingman, Davis, Doolittle, Fitzpatrick, Iverson, Jones, Mason, Pugh, Reid, Sebastian, Seward, Stuart, Toombs, Wade.

No quorum voting,

On motion by Mr. Mason,

The Senate adjourned.

THURSDAY, FEBRUARY 3, 1859.

The following messages were received from the President of the United States, by Mr. Henry, his secretary :

*To the Senate of the United States :*

I nominate Wilson McCandless, of Pennsylvania, for appointment as district judge for the district court of the United States for the western district of Pennsylvania, vice Thomas Irwin, resigned.

JAMES BUCHANAN.

FEBRUARY 3d, 1859.

*To the Senate of the United States :*

I nominate Samuel W. Black, of Nebraska, to be governor of the Territory of Nebraska, in place of William A. Richardson, resigned.

JAMES BUCHANAN.

WASHINGTON, 3 February, 1859.

The messages were read.

*Ordered*, That the nomination of Wilson McCandless be referred to the Committee on the Judiciary.

*Ordered*, That the nomination of Samuel W. Black be referred to the Committee on Territories.

Mr. Benjamin, from the Committee on the Judiciary, to whom was referred, the 2d inst., the nomination of Philip T. Colby, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Philip T. Colby, agreeably to the nomination.

On motion by Mr. Slidell,

*Ordered*, That the Committee on Public Lands be discharged from the further consideration of the nomination of Christopher H. Dabbs.

On motion by Mr. Slidell,

The Senate proceeded to consider the nomination of Christopher H. Dabbs; and

*Resolved*, That the Senate advise and consent to the appointment of Christopher H. Dabbs, agreeably to the nomination.

Mr. Clay, from the Committee on Commerce, to whom were referred, the 2d inst., the nominations of William Sheaver and William Nolen, reported,

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

TUESDAY, FEBRUARY 8, 1859.

The following messages were received from the President of the United States, by Mr. Henry, his secretary :

*To the Senate of the United States :*

I nominate Jesse Thomas to be surveyor of the customs for the port of Nashville, in the State of Tennessee, from the 11th day of March, 1859, when his present commission will expire.

JAMES BUCHANAN.

WASHINGTON, February 4th, 1859.



*To the Senate of the United States:*

I nominate William M. Harrison to be collector of the customs for the district of Richmond, in the State of Virginia, from the 9th day of February, 1859, when his present commission will expire.

JAMES BUCHANAN.

WASHINGTON, *February 4th*, 1859.

*To the Senate of the United States:*

I nominate Joseph Ramsey to be collector of the customs for the district of Plymouth, in the State of North Carolina, from the 9th day of February, 1859, when his present commission will expire.

JAMES BUCHANAN.

WASHINGTON, *February 4th*, 1859.

*To the Senate of the United States:*

I nominate John C. O'Grady to be surveyor of the customs for the port of Madisonville, in the State of Louisiana, from the 3d day of March, 1859, when his present commission will expire.

JAMES BUCHANAN.

WASHINGTON, *February 4th*, 1859.

*To the Senate of the United States:*

I hereby nominate Joseph H. Kimmel to be deputy postmaster at Oroville, in the county of Butte and State of California, in place of Peter Freer, declined.

JAMES BUCHANAN.

WASHINGTON CITY, [— — — —, — — — —.]

*To the Senate of the United States:*

I hereby nominate Sylvester C. Florence to be deputy postmaster at Mokelumne Hill, in the county of Calaveras and State of California, the said office having become Presidential since the last session of the Senate.

JAMES BUCHANAN.

WASHINGTON, D. C., *February —*, 1859.

*To the Senate of the United States:*

I hereby nominate Benjamin O. Pickett to be deputy postmaster at Maysville, in the county of Mason and State of Kentucky, whose commission expires on the 8th day of February next.

JAMES BUCHANAN.

WASHINGTON, D. C., *January —*, 1859.

*To the Senate of the United States:*

I hereby nominate Sarah J. Seabot to be postmaster at Shawneetown, in the county of Gallatin and State of Illinois, in place of Amos Seabolt, deceased.

JAMES BUCHANAN.

JANUARY —, 1859.

*To the Senate of the United States:*

I nominate Robert S. Neighbours, of Texas, to be superintendent of Indian affairs within the Superintendency of Texas.



S. P. Ross, of Texas, to be Indian agent in the State of Texas; and Mathew Leeper, of Texas, to be also Indian agent in the State of Texas.

All of whom are nominated in compliance with the requirements of the 4th section of the act of June 14, 1858, entitled "An act to supply deficiencies in the appropriations for the current and contingent expenses of the Indian Department," &c.

JAMES BUCHANAN.

WASHINGTON, *February 1, 1859.*

*To the Senate of the United States :*

I nominate John Madigan, jr., a master, dropped, to be a lieutenant on the active list, from the 14th of September, 1855, to take rank next after Lieutenant Thomas S. Phelps, said Madigan having within sixty days after his return to the United States applied for the benefit of the act of Congress of 16th January, 1857, and having been recommended by a court of inquiry under said act to be restored to the active list.

JAMES BUCHANAN.

WASHINGTON, D. C., *February 8, 1859.*

*To the Senate of the United States :*

I hereby nominate Benjamin H. Lothrop to be deputy postmaster at Rockland, in the county of Lincoln and State of Maine, in place of Elkhanah S. Smith, removed.

JAMES BUCHANAN.

WASHINGTON, D. C., *February 8th, 1859.*

*To the Senate of the United States :*

I nominate Ely Moore, of Kansas Territory, to be register of the land office for the district of lands subject to sale at Lecompton, Kansas Territory, to take effect from and after the 2d day of March, 1859, when his present term of office will expire.

JAMES BUCHANAN.

WASHINGTON, *February 8th, 1859.*

The messages were read.

*Ordered,* That the nominations of Jesse Thomas, Joseph Ramsey, and John C. O. Grady be referred to the Committee on Commerce.

On motion by Mr. Mason,

The Senate, by unanimous consent, proceeded to consider the nomination of William M. Harrison; and

*Resolved,* That the Senate advise and consent to the appointment of William M. Harrison, agreeably to the nomination.

*Ordered,* That the nominations of Joseph H. Kimmel, Sylvester C. Florence, Benjamin O. Pickett, Sarah G. Seabolt, and Benjamin H. Lothrop be referred to the Committee on the Post-Office and Post-Roads.

*Ordered,* That the nominations of Robert S. Neighbours, S. P. Ross, and Mathew Leeper be referred to the Committee on Indian Affairs.

*Ordered,* That the nomination of John Madigan, jun., be referred to the Committee on Naval Affairs.

*Ordered,* That the nomination of Eli Moore be referred to the Committee on Public Lands.

Mr. Bayard, from the Committee on the Judiciary, to whom was referred, the 3d inst., the nomination of Wilson McCandless, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Wilson McCandless, agreeably to the nomination.

Mr. Bayard, from the Committee on the Judiciary, to whom was referred, the 2d inst., the nomination of John H. New, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of John H. New, agreeably to the nomination.

Mr. Jones, from the Committee on Territories, to whom was referred, the 3d inst., the nomination of Samuel W. Black, reported.

Whereupon

On the question, Will the Senate advise and consent to the appointment of Samuel W. Black?

It was determined in the affirmative, { Yeas ..... 35  
Nays ..... 9

On motion by Mr. Hale,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Allen, Bayard, Bell, Benjamin, Bigler, Bright, Broderick, Brown, Cameron, Chesnut, Clay, Clingman, Crittenden, Davis, Dixon, Fitch, Fitzpatrick, Foot, Gwin, Houston, Hunter, Johnson of Tennessee, Jones, King, Mallory, Mason, Pugh, Reid, Sebastian, Shields, Simmons, Slidell, Thomson of New Jersey, Ward, Yulee.

Those who voted in the negative are,

Messrs. Doolittle, Durkee, Fessenden, Hale, Hamlin, Harlan, Pearce, Seward, Wade.

So it was

*Resolved*, That the Senate advise and consent to the appointment of Samuel W. Black, agreeably to the nomination.

Mr. Yulee, from the Committee on Post-Offices and Post-Roads, to whom were this day referred the nominations of Joseph H. Kimmel and Sylvester C. Florence, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Mallory, from the Committee on Naval Affairs, to whom was referred, the 2d inst., the nomination of Andrew F. Ammidown, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Andrew F. Ammidown, agreeably to the nomination.

Mr. Sebastian, from the Committee on Indian Affairs, to whom were referred, the 2d inst., the nominations of Thomas S. Twiss and James P. Vineyard, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Thomas S. Twiss and James R. Vineyard, agreeably to their nominations respectively.

Mr. Sebastian, from the Committee on Indian Affairs, to whom were referred, the 2d inst., the nominations of Daniel Reisinger and William C. Dickey, reported.

On motion by Mr. Mason,

The Senate proceeded to consider the nomination of Benjamin Wiggin; and

After debate,

On motion by Mr. Slidell,  
The Senate adjourned.

WEDNESDAY, FEBRUARY 16, 1859.

The following messages were received from the President of the United States, by Mr. Henry, his secretary :

*To the Senate of the United States :*

I hereby nominate Samuel K. Huson to be deputy postmaster at Lawrence, in the county of Douglas and Territory of Kansas, said office having become Presidential.

JAMES BUCHANAN.

WASHINGTON, D. C., *February 10, 1859.*

*To the Senate of the United States :*

I hereby nominate Henry A. Boggs to be deputy postmaster at Johnstown, in the county of Cambria and State of Pennsylvania, in place of Ephraim Buck, removed.

JAMES BUCHANAN.

WASHINGTON, D. C., *February 11, 1859.*

*To the Senate of the United States :*

I nominate Samuel B. Garrett, of Kansas Territory, to be register of the land office for the district of lands subject to sale at Ogden, Kansas Territory, vice Ira Norris, resigned.

JAMES BUCHANAN.

WASHINGTON, *February 11, 1859.*

*To the Senate of the United States :*

I nominate Stephen P. Yeomans, of Iowa, to be register of the land office at Sioux City, Iowa, to take effect from the 2d day of March, 1859, when his present term of office will expire.

JAMES BUCHANAN.

WASHINGTON, *February 11, 1859.*

*To the Senate of the United States :*

I nominate Benjamin Ferguson, of Wisconsin, to be register of the land office at Hudson, Wisconsin, vice John O. Henning, resigned.

JAMES BUCHANAN.

WASHINGTON, *February 11, 1859.*

*To the Senate of the United States :*

I nominate George Butler, of Arkansas, to be a second lieutenant in the Marine Corps, to fill the vacancy created by the promotion of Second Lieutenant Edward Jones.

JAMES BUCHANAN.

WASHINGTON CITY, *February 11, 1859.*

*To the Senate of the United States :*

I nominate Duncan Macauley, of Louisiana, to be consul of the United States at Manchester, England, to fill a vacancy.

JAMES BUCHANAN.

WASHINGTON, *February 11, 1859.*

*To the Senate of the United States :*

I nominate William G. Blackwood, of Missouri, for appointment as associate justice of the supreme court for the Territory of New Mexico, vice Z. L. Nabers, declining appointment.

JAMES BUCHANAN.

FEB. 11, 1859.

*To the Senate of the United States:*

I hereby nominate Francis M. Comfort to be deputy postmaster at Clinton, in the county of Hinds and State of Mississippi, whose commission expires on the 28th of February, 1859.

JAMES BUCHANAN.

WASHINGTON, D. C., *February 12, 1859.*

*To the Senate of the United States:*

I hereby nominate Chauncy C. Britt to be deputy postmaster at Portage City, in the county of Columbia and State of Wisconsin, in place of John A. Brown, deceased.

JAMES BUCHANAN.

WASHINGTON CITY, *February 14, 1859.*

*To the Senate of the United States:*

I nominate Andrew J. O'Bannon, of Virginia, to be Fourth Auditor of the Treasurer of the United States, to fill a vacancy.

JAMES BUCHANAN.

WASHINGTON, *February 15, 1859.*

*To the Senate of the United States:*

I nominate Henry L. Brown, of Missouri, to be register of the land office at Boonville, Missouri, from and after the 31st of March, 1859, vice Leland Wright, who has resigned to take effect at that time.

JAMES BUCHANAN.

WASHINGTON, *February 15, 1859.*

*To the Senate of the United States:*

I nominate Stephen J. Dallas, of Illinois, to be principal clerk of the surveys in the General Land Office, vice Asa F. Chapin, resigned.

JAMES BUCHANAN.

WASHINGTON, *February 15, 1859.*

The messages were read.

*Ordered,* That the nominations of Samuel K. Huson, Francis M. Comfort, and Chauncey C. Britt, be referred to the Committee on Post-Offices and Post-Roads.

On motion by Mr. Bigler,

The Senate, by unanimous consent, proceeded to consider the nomination of Henry A. Boggs; and

*Resolved,* That the Senate advise and consent to the appointment of Henry A. Boggs, agreeably to the nomination.

*Ordered,* That the nominations of Samel B. Garrett, Benjamin Ferguson, Henry L. Brown, and Stephen J. Dallas be referred to the Committee on Public Lands.

On motion by Mr. Jones,

The Senate, by unanimous consent, proceeded to consider the nomination of Stephen P. Yeomans; and

*Resolved,* That the Senate advise and consent to the appointment of Stephen P. Yeomans, agreeably to the nomination.

On motion by Mr. Slidell,

The Senate, by unanimous consent, proceeded to consider the nomination of Duncan Macauley; and

*Resolved,* That the Senate advise and consent to the appointment of Duncan Macauley, agreeably to the nomination.

*Ordered*, That the nomination of George Butler be referred to the Committee on Naval Affairs.

On motion by Mr. Polk,

The Senate, by unanimous consent, proceeded to consider the nomination of William G. Blackwood; and

*Resolved*, That the Senate advise and consent to the appointment of William G. Blackwood, agreeably to the nomination.

*Ordered*, That the nomination of Andrew J. O'Bannon be referred to the Committee on Finance.

Mr. Mallory, from the Committee on Naval Affairs, to whom was referred the nomination of John Madigan, jr., reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of John Madigan, jr., agreeably to the nomination.

Mr. Mallory, from the Committee on Naval Affairs, to whom was referred, the 2d inst., the nomination of John S. Gilliam, reported.

On motion by Mr. Sebastian,

On the question to postpone all previous orders to consider the articles of agreement and convention between the United States and the Yanc-ton tribe of Sioux or Dacotah Indians, signed the 19th day of April, 1858,

It was determined in the affirmative.

The said articles of agreement and convention were read the 2d time and considered as in Committee of the Whole; and no amendment being made, they were reported to the Senate.

Mr. Sebastian submitted the following resolution for consideration:

*Resolved (two thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the articles of agreement and convention between the United States and the Yanc-ton tribe of Sioux or Dacotah Indians, signed the 19th day of April, 1858.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

It was determined in the affirmative, { Yeas..... 32  
Nays ... 15

Those who voted in the affirmative are,

Messrs. Bayard, Bigler, Brown, Chandler, Clark, Collamer, Crittenden, Doolittle, Douglas, Durkee, Fessenden, Foot, Green, Hamlin, Harlan, Jones, Kennedy, King, Lane, Polk, Pugh, Rice, Sebastian, Seward, Shields, Simmons, Smith, Stuart, Trumbull, Wade, Ward, Wilson.

Those who voted in the negative are,

Messrs. Bell, Broderick, Chesnut, Clay, Clingman, Fitzpatrick, Houston, Hunter, Iverson, Johnson of Tenn., Mason, Pearce, Reid, Slidell, Toombs.

So the said resolution was agreed to.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

On motion by Mr. Polk that he have leave to withdraw the motion submitted by him June 14th, 1858, to reconsider the vote of the Senate of the 4th June, 1858, advising and consenting to the ratification of the articles of agreement and convention between the United States and the Tonawanda band of Seneca Indians, of New York, made the 5th day of November, 1857,

It was determined in the affirmative.

*Ordered*, That the Secretary lay the resolution of the Senate of the 4th of June, 1858, advising and consenting to the ratification of the said



articles of agreement and convention, before the President of the United States.

Mr. Brown submitted the following resolution for consideration:

*Resolved*, That the President of the United States be requested to send to the Senate, in executive session, the evidences, recommendations, &c., &c., on which he nominated Hon. E. D. Potter a collector of the customs at Toledo, Ohio.

On motion by Mr. Brown that the Senate proceed to the consideration of the said resolution,

It was objected to.

Whereupon

Mr. Brown withdrew the said resolution.

Mr. Stuart, from the Committee on Public Lands, to whom was referred, 15th December last, the nomination of Thomas E. Massey, reported.

Mr. Stuart, from the Committee on Public Lands, to whom was referred, the 2d inst., the nomination of William Moss, reported.

Mr. Stuart, from the Committee on Public Lands, to whom were referred, the 2d inst., the nomination of William Pelham, and the 8th inst. the nomination of Eli Moore, and the 19th of January last the nomination of Peter T. Crutchfield, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Stuart, from the Committee on Public Lands, to whom was referred, January 4th, the nomination of James W. Mandeville, reported.

Mr. Clay, from the Committee on Commerce, to whom were referred, the 8th inst., the nominations of Jesse Thomas, Joseph Ramsey, and John C. O'Grady, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Fitch submitted the following resolution for consideration:

*Resolved*, That hereafter no treaty or treaties with any tribe or tribes of Indians for the acquisition of territory, and contemplating any subsequent appropriations, or requiring any such, shall be made without the previous assent of the Senate.

The Senate resumed the consideration of the nomination of Emery D. Potter.

After debate,

On motion by Mr. Brown, on the question to commit the said nomination to the Committee on Commerce,

It was determined in the negative.

After further debate,

On the question, Will the Senate advise and consent to the appointment of Emery D. Potter,

It was determined in the negative, { Yeas ..... 17  
Nays ..... 18

On motion by Mr. Pugh,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Bigler, Brown, Chandler, Collamer, Durkee, Fitch, Foot, Houston, Iverson, King, Lane, Shields, Slidell, Smith, Trumbull, Wade, Ward.

Those who voted in the negative are,  
Messrs. Broderick, Chesnut, Clark, Clay, Clingman, Doolittle, Douglas, Fessenden, Fitzpatrick, Green, Hamlin, Harlan, Kennedy, Mason, Polk, Pugh, Reid, Seward.

So it was

*Resolved*, That the Senate do not advise and consent to the appointment of Emery D. Potter, agreeably to the nomination.

TUESDAY, MARCH 1, 1859.

On motion by Mr. Green that the Senate reconsider the vote of the 16th of February that the Senate do not advise and consent to the appointment of Emery D. Potter,

*Ordered*, That the consideration of the said motion be postponed until to-morrow.

The following messages were received from the President of the United States, by Mr. Henry, his secretary :

*To the Senate of the United States :*

I nominate the following persons to be justices of the peace for the county of Washington, District of Columbia, the said persons having been appointed by me during the recess of the Senate, viz :

Charles P. Wannall, William R. Woodward, Pierce Shoemaker, John S. Hollingshead, Gilbert L. Giberson, James Ward, William S. Clary, William A. Manning, Benjamin W. Ferguson, John H. Johnson, John Mills, Charles Allen.

JAMES BUCHANAN.

JANUARY 11, 1859.

*To the Senate of the United States :*

I nominate Martin Russell to be surveyor of the customs for the port of Troy, in the State of New York, his late commission having expired.

JAMES BUCHANAN.

WASHINGTON, *February* 16, 1859.

*To the Senate of the United States :*

I nominate Henry M. Dowd to be surveyor of the customs for the port of Albany, in the State of New York, his late commission having expired.

JAMES BUCHANAN.

WASHINGTON, *February* 16, 1859.

*To the Senate of the United States :*

I transmit to the Senate, for its consideration with a view to ratification, two conventions between the United States and China, one providing for the adjustment of claims of citizens of the United States on the Government of that Empire, the other for the regulation of trade, both signed at Shanghai on the 8th of November last. A copy of the despatches of Mr. Reed to the Department of State on the subject is also herewith transmitted.

JAMES BUCHANAN.

WASHINGTON, 18th *Feb'y*, 1859.

*To the Senate of the United States:*

I hereby nominate John J. Hoffman to be deputy postmaster at Massillon, in the county of Stark and State of Ohio, whose commission expires on the 28th of February, A. D. 1859.

JAMES BUCHANAN.

WASHINGTON, D. C., *February 17th*, 1859.

*To the Senate of the United States:*

I hereby nominate William M. Campbell to be deputy postmaster at Battle Creek, in the county of Calhoun and State of Michigan, to take effect from and after the 4th March next.

JAMES BUCHANAN.

WASHINGTON CITY, *19th February*, 1859.

*To the Senate of the United States:*

I nominate Bartholomew Fuller, of North Carolina, to be Fifth Auditor of the Treasury of the United States, in the place of Murray McConnell, resigned, to take effect on the 1st day of March, 1859.

JAMES BUCHANAN.

WASHINGTON, *February 21*, 1859.

*To the Senate of the United States:*

I nominate Philip Harvey to be surveyor of the customs for the port of Burlington, in the State of Iowa, his late commission having expired.

JAMES BUCHANAN.

WASHINGTON, *February 21*, 1859.

*To the Senate of the United States:*

I nominate José N. Casanova, of New York, to be consul of the United States at Guayaquil, to fill a vacancy.

JAMES BUCHANAN.

WASHINGTON, *February*, 1859.

*To the Senate of the United States:*

I hereby nominate Adam R. Shipley to be deputy postmaster at Portland, in the county of Washington and State of Oregon, said office having become Presidential.

JAMES BUCHANAN.

WASHINGTON CITY, *February 21*, 1859.

*To the Senate of the United States:*

I hereby nominate Joseph C. Bowen to be deputy postmaster at Hannibal, in the county of Marion and State of Missouri, the said office having become Presidential.

JAMES BUCHANAN.

WASHINGTON, D. C., *22 February*, 1859.

*To the Senate of the United States :*

I hereby nominate William P. Ankeny to be deputy postmaster at Minneapolis, in the county of Hennepin and State of Minnesota, the said office having become Presidential.

JAMES BUCHANAN.

WASHINGTON CITY, *February 21, 1859.*

*To the Senate of the United States :*

I hereby nominate Hackaliah B. Strang to be deputy postmaster at Peekskill, in the county of West Chester and State of New York, the said office having become Presidential.

JAMES BUCHANAN.

WASHINGTON CITY, *February 21, 1859.*

*To the Senate of the United States :*

I hereby nominate John V. Lovely to be deputy postmaster at Paris, in the county of Bourbon and State of Kentucky, the said office having become Presidential.

JAMES BUCHANAN.

WASHINGTON CITY, *February 21, 1859.*

*To the Senate of the United States :*

I hereby nominate Charles Cornwall to be deputy postmaster at Catskill, in the county of Greene and State of New York, the said office having become Presidential.

JAMES BUCHANAN.

WASHINGTON, D. C., *February 21, 1859.*

*To the Senate of the United States :*

I hereby nominate Joel D. Jones to be deputy postmaster at Prairie du Chien, in the county of Crawford and State of Wisconsin, the said office having become Presidential.

JAMES BUCHANAN.

WASHINGTON CITY, *February 21, 1859.*

*To the Senate of the United States :*

I hereby nominate Robert T. Vanhorn to be deputy postmaster at Kansas, in the county of Jackson and State of Missouri, the said office having become Presidential.

JAMES BUCHANAN.

WASHINGTON CITY, *22nd February, 1859.*

*To the Senate of the United States :*

I hereby nominate John Taylor to be deputy postmaster at Goldsborough, in the county of Wayne and State of North Carolina, the said office having become Presidential.

JAMES BUCHANAN.

WASHINGTON, D. C., *22nd February, 1859.*

*To the Senate of the United States :*

I hereby nominate John Milliken to be deputy postmaster at Paducah, in the county of McCracken and State of Kentucky, the said office having become Presidential.

JAMES BUCHANAN.

WASHINGTON CITY, *February 21, 1859.*

*To the Senate of the United States :*

I hereby nominate William Clark to be deputy postmaster at Monmouth, in the county of Warren and State of Illinois, the said office having become Presidential.

JAMES BUCHANAN.

WASHINGTON, D. C., *23 February, 1859.*

*To the Senate of the United States :*

I hereby nominate George M. Stowell to be deputy postmaster at Kankakee Depot, in the county of Kankakee and State of Illinois, the said office having become Presidential.

JAMES BUCHANAN.

WASHINGTON, D. C., *23d February, 1859.*

*To the Senate of the United States :*

I hereby nominate Joseph Hutchinson to be deputy postmaster at Sterling, in the county of Whitesides and the State of Illinois, the said office having become Presidential.

JAMES BUCHANAN.

WASHINGTON, D. C., *23d February, 1859.*

*To the Senate of the United States :*

I hereby nominate Charles W. Hamilton to be deputy postmaster at Omaha City, in the county of Douglas and Territory of Nebraska, the said office having become Presidential.

JAMES BUCHANAN.

WASHINGTON, D. C., *24th February, 1859.*

*To the Senate of the United States :*

I hereby nominate John F. Shroder to be deputy postmaster at Leavenworth City, in the county of Leavenworth and Territory of Kansas, the said office having become Presidential.

JAMES BUCHANAN.

WASHINGTON, D. C., *23 February, 1859.*

*To the Senate of the United States :*

I nominate Patrick H. Downey to be collector of the customs for the district of San Pedro, in the State of California, in the place of John G. Downey, resigned.

JAMES BUCHANAN.

WASHINGTON, *February 18, 1859.*



*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to James W. Rhea as surveyor of the customs for the port of Tusculumbia, in the State of Alabama, his former commission having expired, I now nominate him to the same.

JAMES BUCHANAN.

WASHINGTON, *February* 18, 1859.

*To the Senate of the United States :*

A commission having been granted during the recess of the Senate to William G. Roulhac as surveyor of the customs for the port of Hickman, in the State of Kentucky, in the place of C. Bailey Thornbury, deceased, I now nominate him to the same.

JAMES BUCHANAN.

WASHINGTON, *February* 18, 1859.

*To the Senate of the United States :*

I nominate Benjamin Brattain to be collector of the customs for the district of Port Orford, in the State of Oregon, in the place of Robert W. Dunbar, whose commission will expire on the 3d of March, 1859.

JAMES BUCHANAN.

WASHINGTON, *February* 26, 1859.

*To the Senate of the United States :*

I nominate the officers named in the accompanying list for regular promotion in the Army of the United States, as proposed by the Secretary of War.

JAMES BUCHANAN.

WASHINGTON, *February* 26, 1859.

WAR DEPARTMENT, *February* 26, 1859.

SIR: I have the honor to propose for your approbation the following list of regular promotions in the Army of the United States :

#### PROMOTIONS.

##### *Corps of Engineers.*

Captain John G. Barnard to be major, December 13, 1858, vice Smith, deceased.

First Lieutenant William H. C. Whiting to be captain, December 13, 1858, vice Barnard, promoted.

Second Lieutenant James B. McPherson to be first lieutenant, December 13, 1858, vice Whiting, promoted.

Brevet Second Lieutenant Henry M. Robert to be second lieutenant, December 13, 1858, vice McPherson, promoted.

##### *Ordnance Department.*

Brevet Second Lieutenant Charles C. Lee to be second lieutenant, December 20, 1858, the date of Captain Brereton's resignation.

*First Regiment of Dragoons.*

Second Lieutenant Alfred B. Chapman to be first lieutenant, January 9, 1859, vice Orren Chapman, deceased.

Brevet Second Lieutenant Leroy Napier, jr., to be second lieutenant, January 6, 1859, vice Chapman, promoted.

*Third Regiment of Artillery.*

First Lieutenant John H. Lendrum to be captain, December 3, 1858, vice Loeser, resigned.

Second Lieutenant Henry V. DeHart to be first lieutenant, December 3, 1858, vice Lendrum, promoted.

Brevet Second Lieutenant Edward R. Warner, of the First Artillery, to be second lieutenant, December 3, 1858, vice DeHart, promoted.

*Second Regiment of Infantry.*

Lieutenant-Colonel Dixon S. Miles, of the Third Infantry, to be colonel, January 19, 1859, vice Lee, deceased.

*Third Regiment of Infantry.*

Major Electus Backus to be lieutenant-colonel, January 19, 1859, vice Miles, promoted to Second Infantry.

Captain Caleb C. Sibley, of the Fifth Infantry, to be major, January 18, 1859, vice Backus, promoted.

First Lieutenant Henry B. Clitz to be captain, December 6, 1858, vice Ward, deceased.

Second Lieutenant Alexander McD. McCook to be first lieutenant, December 6, 1858, vice Clitz, promoted.

Brevet Second Lieutenant William H. Bell to be second lieutenant, December 6, 1858, vice McCook, promoted.

*Fifth Regiment of Infantry.*

First Lieutenant Augustus H. Seward to be captain, January 19, 1859, vice Sibley, promoted to the Third Infantry.

Second Lieutenant Alexander Chambers to be first lieutenant, January 19, 1859, vice Burns, who vacates his regimental commission.

Second Lieutenant Lucius L. Rich to be first lieutenant, January 19, 1859, vice Seward, promoted.

Brevet Second Lieutenant Bryan M. Thomas, of the Eighth Infantry, to be second lieutenant, January 19, 1859, vice Chambers, promoted.

Brevet Second Lieutenant William J. L. Nicodemus to be second lieutenant, January 19, 1859, vice Rich, promoted.

I am, sir, with great respect, your obedient servant,

JOHN B. FLOYD,  
*Secretary of War.*

To the PRESIDENT OF THE UNITED STATES.

The messages were read.

*Ordered,* That the nominations of Charles P. Wannell and others, to be justices of the peace, be referred to the Committee on the District of Columbia.

*Ordered*, That the nominations of Martin Russell, Henry N. Dowd, James W. Rhea, Patrick H. Downey, and William G. Roulhac be referred to the Committee on Commerce.

The convention between the United States and China for the regulation of trade, signed at Shanghai on the 8th day of November, 1858, was read the first time.

On motion by Mr. Mason,

*Ordered*, That the said convention, together with the message of the President and the accompanying documents, be referred to the Committee on Foreign Relations.

The convention between the United States and China for the adjustment of claims, signed at Shanghai on the 8th day of November, 1858, was read the first time.

On motion by Mr. Mason,

*Ordered*, That the said convention, together with the message of the President and the accompanying documents, be referred to the Committee on Foreign Relations.

*Ordered*, That the nominations of John J. Hoffman, Joseph C. Bowen, William P. Aukeny, Hackaliah B. Strang, John V. Lovely, Charles Cornwall, Robert T. Vanhorn, John Taylor, John Millikin, William Clark, George M. Stowell, Joseph Hutchinson, Charles W. Hamilton, and John F. Shroder be referred to the Committee on the Post-Office and Post-Roads.

On motion by Mr. Stuart,

The Senate, by unanimous consent, proceeded to consider the nomination of William M. Campbell; and

*Resolved*, That the Senate advise and consent to the appointment of William M. Campbell, agreeably to the nomination.

On motion by Mr. Hunter,

The Senate, by unanimous consent, proceeded to consider the nomination of Bartholomew Fuller; and

*Resolved*, That the Senate advise and consent to the appointment of Bartholomew Fuller, agreeably to the nomination.

Mr. Hunter, from the Committee on Finance, to whom was referred, February 16th, the nomination of Andrew J. O'Bannon, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Andrew J. O'Bannon, agreeably to the nomination.

On motion by Mr. Jones,

The Senate, by unanimous consent, proceeded to consider the nomination of Philip Harvey; and

*Resolved*, That the Senate advise and consent to the appointment of Philip Harvey, agreeably to the nomination.

On motion by Mr. Slidell,

The Senate, by unanimous consent, proceeded to consider the nomination of José N. Casanova; and

*Resolved*, That the Senate advise and consent to the appointment of José N. Casanova, agreeably to the nomination.

On motion by Mr. Lane,

The Senate, by unanimous consent, proceeded to consider the nomination of Adam R. Shipley; and

*Resolved*, That the Senate advise and consent to the appointment of Adam R. Shipley, agreeably to the nomination.

On motion by Mr. Jones,

The Senate, by unanimous consent, proceeded to consider the nomination of Joel D. Jones; and

*Resolved*, That the Senate advise and consent to the appointment of Joel D. Jones, agreeably to the nomination.

On motion by Mr. Lane,

The Senate, by unanimous consent, proceeded to consider the nomination of Benjamin Brattain; and

*Resolved*, That the Senate advise and consent to the appointment of Benjamin Brattain, agreeably to the nomination.

*Ordered*, That the nomination of John G. Barnard and others, for promotion in the Army, be referred to the Committee on Military Affairs and the Militia.

Mr. Mallory, from the Committee on Naval Affairs, to whom was referred, February 16th, the nomination of George Butler, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of George Butler, agreeably to the nomination.

Mr. Stuart, from the Committee on Public Lands, to whom were referred, February 16th, the nominations of Samuel B. Garrett, Henry L. Brown, and Stephen J. Dallas, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Sebastian, from the Committee on Indian Affairs, to whom were referred, Feb'y 8th, the nominations of Robert S. Neighbours, S. P. Ross, and Mathew Leeper, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, this day, the convention between the United States and China for the adjustment of claims, signed at Shanghai, on the 8th day of November, 1858, reported it without amendment.

The said convention was read the second time and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Mr. Mason submitted the following resolution for consideration:

*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the convention between the United States and China for the adjustment of claims, signed at Shanghai, on the 8th day of November, 1858.

The Senate, by unanimous consent, proceeded to consider the said resolution, and it was unanimously agreed to.

Mr. Mason, from the Committee on Foreign Relations, to whom was referred, this day, the convention between the United States and China for the regulation of trade, signed at Shanghai, on the 8th day of November, 1858, reported it without amendment.

The said convention was read the second time, and considered as in Committee of the Whole; and no amendment being made, it was reported to the Senate.

Mr. Mason submitted the following resolution for consideration:

*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the convention between the United States and China for the regulation of trade, signed at Shanghai, on the 8th day of November, 1858, reported.

The Senate, by unanimous consent, proceeded to consider the said resolution, and it was unanimously agreed to.

The Senate proceeded to consider the nomination of Thomas E. Massey; and

*Resolved*, That the Senate advise and consent to the appointment of Thomas E. Massey, agreeably to the nomination.

The Senate proceeded to consider the nomination of William Moss; and

*Resolved*, That the Senate advise and consent to the appointment of William Moss, agreeably to the nomination.

Mr. Yulee, from the Committee on the Post-Office and Post-Roads, to whom were referred, February 16th, the nominations of Samuel K. Huson, Francis M. Comfort, and Chauncy C. Britt, and February 8th the nomination of Benjamin O. Pickett, Sarah J. Seabolt, and Benjamin H. Lothrop, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

### THURSDAY, MARCH 3, 1859.

The following messages were received from the President of the United States, by Mr. Henry, his secretary:

*To the Senate of the United States:*

I hereby nominate James T. Porter to be deputy postmaster at Napoleon, in the county of Desha and State of Illinois, in place of George E. Mayson, resigned.

JAMES BUCHANAN.

WASHINGTON CITY, *February 17th*, 1859.

*To the Senate of the United States:*

I nominate John S. Dickinson to be surveyor of the customs for the port of Saybrook, in the State of Connecticut, in the place of Edward Ingraham, resigned.

JAMES BUCHANAN.

WASHINGTON, *March 1st*, 1859.

*To the Senate of the United States:*

I nominate Madison Post, of Florida, to be receiver of public moneys for the district of lands subject to sale at Tampa, Florida, from and after the 2d day of March, 1859, when his present term of office will expire; and

Jesse Carter, of Florida, to be register of the land office at Tampa, Florida, from and after the 2d day of March, 1859, when his present term of office will expire.

JAMES BUCHANAN.

WASHINGTON, *February 17*, 1859.

*To the Senate of the United States:*

I nominate Robert Ould, of the District of Columbia, for appointment as attorney of the United States for said District, vice P. B. Key, deceased.

JAMES BUCHANAN.

MARCH 2, 1859.



*To the Senate of the United States :*

I nominate J. S. M. Van Cleave, of Washington Territory, for appointment as attorney of the United States for the said Territory, vice J. S. Smith, resigned.

JAMES BUCHANAN.

MARCH 2, 1859.

*To the Senate of the United States :*

I nominate Andrew J. Thayer, of Oregon, for appointment as attorney of the United States for said State.

JAMES BUCHANAN.

MARCH 2, 1859.

*To the Senate of the United States :*

I nominate James Y. McDuffie, of California, to be superintendent of Indian affairs, in California, vice Thomas J. Henley, resigned.

JAMES BUCHANAN.

WASHINGTON, *March 2*, 1859.

*To the Senate of the United States :*

I nominate William F. Hopkins, of Maryland, to be consul of the United States at Kingston, Jamaica, to fill a vacancy.

JAMES BUCHANAN.

WASHINGTON, *March 2d*, 1859.

*To the Senate of the United States :*

I nominate Captain Charles Stewart, of the United States Navy, to be senior flag officer of the United States Navy, on the active-service list, in pursuance of the act of 2 March, 1859, authorizing the President of the United States to confer upon him this rank, "in recognition of his distinguished and meritorious service."

JAMES BUCHANAN.

WASHINGTON CITY, *3 March*, 1859.

*To the Senate of the United States :*

I transmit to the Senate, in executive session, the report of the Secretary of State, with the accompanying documents, in reply to the resolution of the Senate, adopted in open session, on the 11th January last, relating to outrages committed on citizens of the United States on the Isthmus of Panama.

JAMES BUCHANAN.

WASHINGTON, *2d March*, 1859.

STATE DEPARTMENT,  
*Washington, 2nd March, 1859.*

*To the President of the United States :*

The Secretary of State, to whom was referred the resolution of the Senate of the 11th ultimo, requesting the President, "as far as consistent with the public interest, to communicate to the Senate the correspondence, instructions, and other information in relation to outrages committed on citizens of the United States on the Isthmus of Panama, State of New Granada," has the honor to lay before the President the papers mentioned in the subjoined list. Although these papers contain

information of importance, yet, as it might not be advisable to make some of them public at this juncture, I have the honor to suggest that they should all be communicated in executive session.

Respectfully submitted.

LEWIS CASS.

List of papers accompanying the Secretary's report to the President of the 2d of March :

- No. 1. A. Mr. Marcy to Mr. Corwin, 12th May, 1856.
- No. 1. B. Mr. Corwin to Mr. Marcy, inclosure, 2d June, 1856.
- No. 2. Same to same, inclosure, 3d June, 1856.
- No. 3. Mr. Bowlin to Mr. Marcy, 3d June, 1856.
- No. 4. Mr. Corwin to Mr. Marcy, inclosure, 18th June, 1856.
- No. 5. Mr. Bowlin to Mr. Marcy, 27th June, 1856.
- No. 6. Mr. Corwin to Mr. Marcy, 3d July, 1856.
- No. 7. Same to same, report, with inclosures, 18th July, 1856.
- No. 8. Mr. Bowlin to Mr. Marcy, extract, with inclosure, 1st Aug't, 1856.
- No. 9. Mr. Corwin to Mr. Marcy, extract, with inclosures, 3d Aug't, 1856.
- No. 10. Mr. Bowlin to Mr. Marcy, extract, with inclosure, 8th Aug't, 1856.
- No. 11. Same to same, extract, 17th Sept., 1856.
- No. 12. Same to same, extract, 23d Oct'r, 1856.
- No. 13. Mr. Marcy to the commissioners, Messrs. Morse and Bowlin, with inclosure, 3d Dec'r, 1856.
- No. 14. Mr. Morse to Marcy, extract, 22d Dec'r, 1856.
- No. 15. Mr. Bowlin to Mr. Marcy, extract, 25th Dec'r, 1856.
- No. 16. Same to same, 9th Jan'y, 1857.
- No. 17. Mr. Morse to Mr. Marcy, 27th Jan'y, 1857.
- No. 18. Mr. Bowlin to Mr. Marcy, 29th Jan'y, 1857.
- No. 19. Extract from message of President Mallarino to the Congress of New Granada, with accompaniments, 1st Feb'y, 1857.
- No. 20. Mr. Morse to Mr. Marcy, 5th Feb'y, 1857.
- No. 21. Mr. Bowlin to Mr. Marcy, 6th Feb'y, 1857.
- No. 22. Mr. Morse to Mr. Marcy, 20th Feb'y, 1857.
- No. 23. Mr. Bowlin to Mr. Marcy, 20th Feb'y, 1857.
- No. 24. Same to same, with inclosures, 6th March, 1857.
- No. 25. Same to same, 20th March, 1857.
- No. 26. Same to same, 27th March, 1857.
- No. 27. Same to same, with inclosures, 10th April, 1857.
- No. 28. Same to same, 17th April, 1857.
- No. 29. Same to same, 24th April, 1857.
- No. 30. Same to same, 1st May, 1857.
- No. 31. Same to same, 8th May, 1857.
- No. 32. Mr. Cass to Gen'l. Herran, extract, 10th Sep., 1857.
- No. 33. Gen'l Herran to Mr. Cass, translation, with inclosure, 9th Dec., 1857.
- No. 34. Mr. Cass to Gen'l Herran, extract, 4th June, 1858.

The messages were read.

On motion by Mr. Johnson, of Ark.,

*Ordered*, That the Secretary be directed to inform the President of the United States that in his message nominating James T. Porter to be deputy postmaster at Napoleon, in the county of Desha, erroneously states that said town and county are in Illinois, they being in the State of Arkansas.

*Ordered*, That the nomination of John S. Dickinson be referred to the Committee on Commerce.

*Ordered*, That the nominations of Madison Post and Jesse Carter be referred to the Committee on Public Lands.

On motion by Mr. Bayard,

The Senate, by unanimous consent, proceeded to consider the nomination of Robert Ould; and

*Resolved*, That the Senate advise and consent to the appointment of Robert Ould, agreeably to the nomination.

On motion by Mr. Lane.

The Senate, by unanimous consent, proceeded to consider the nomination of J. S. M. Van Cleave; and

*Resolved*, That the Senate advise and consent to the appointment of J. S. M. Van Cleave, agreeably to the nomination.

On motion by Mr. Lane,

The Senate, by unanimous consent, proceeded to consider the nomination of Andrew J. Thayer; and

*Resolved*, That the Senate advise and consent to the appointment of Andrew J. Thayer, agreeably to the nomination.

*Ordered*, That the nomination of James Y. McDuffie be referred to the Committee on Indian Affairs.

On motion by Mr. Davis,

The Senate, by unanimous consent, proceeded to consider the nomination of William F. Hopkins; and

*Resolved*, That the Senate advise and consent to the appointment of William F. Hopkins, agreeably to the nomination.

On motion by Mr. Toombs,

The Senate, by unanimous consent, proceeded to consider the nomination of Charles Stewart; and

*Resolved*, That the Senate advise and consent to the appointment of Charles Stewart, agreeably to the nomination.

On motion by Mr. Stuart,

*Ordered*, That the message of the President transmitting a report of the Secretary of State, together with the accompanying documents, relating to outrages on citizens of the United States on the Isthmus of Panama, lie on the table and be printed in confidence for the use of the Senate,

On motion by Mr. Mason to reconsider the said order,

*Ordered*, That the consideration of the said motion be postponed until to-morrow.

Mr. Clay, from the Committee on Commerce, to whom were referred, the 1st inst., the nominations of Martin Russell, Henry N. Dowel, James W. Rhea, and William G. Roulhac, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Yulee, from the Committee on the Post-Office and Post-Roads, to whom were referred, the 1st inst., the nominations of John J. Hoffman, Joseph C. Bowen, William P. Aukeny, Hackaliah B. Strang, John V. Lovely, Charles Cornwall, Robert T. Vanhorn, John Taylor, John Miliken, William Clark, George M. Stowell, John Hutchinson, Charles W. Hamilton, and John F. Shroder, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

On motion by Mr. Mason,

*Ordered*, That the injunction of secrecy be removed from the President's message, and the accompanying documents transmitted therewith, relating to the treaties with China, ratified by the Senate on the 1st inst., and be printed for the use of the Senate.

Mr. Brown, from the Committee on the District of Columbia, to whom were referred, the 1st inst., the nominations of Charles P. Wannall, William R. Woodward, Pierce Shoemaker, Gilbert L. Giberson, James Ward, William S. Clary, William A. Manning, Benjamin W. Ferguson, John Mills, and Charles Allen, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.